

1 A bill to be entitled

2 An act relating to emergency elevator access; providing
3 requirements relating to regional emergency elevator
4 access; requiring elevators in certain newly constructed
5 or certain substantially improved buildings to be keyed
6 alike within each of the state emergency response regions;
7 providing for these requirements to be phased in for
8 certain existing buildings; restricting the duplication
9 and issuance of master elevator keys; requiring the
10 labeling of master elevator keys; allowing local fire
11 marshals to allow substitute emergency measures for
12 elevator access in certain circumstances; providing for
13 appeal of the local fire marshal's decision; providing for
14 the State Fire Marshal to enforce the act; encouraging
15 builders to use applicable new technology to provide
16 regional emergency elevator access; providing penalties
17 for violations; authorizing the Department of Financial
18 Services to adopt rules; amending s. 399.03, F.S.;
19 providing for waiver of a permit under certain
20 circumstances; creating s. 399.1061, F.S.; creating the
21 Elevator Safety Technical Advisory Council within the
22 Division of Hotels and Restaurants of the Department of
23 Business and Professional Regulation; providing for the
24 membership of the council; requiring the council to
25 provide technical assistance to the division; providing
26 for appointments and terms of office; providing for
27 payment of per diem and travel expenses; amending s.
28 399.13, F.S.; authorizing a county or municipality to

29 assess a reasonable fee for inspections performed by its
30 inspectors; requiring counties to enforce the Florida
31 Building Code as it relates to elevators; authorizing a
32 county to impose certain fees and fines; prohibiting a
33 county or municipality from taking disciplinary action
34 against certain certifications or registrations;
35 authorizing the Department of Business and Professional
36 Regulation to initiate disciplinary action against a
37 registration or certification at the request of a county
38 or municipality; repealing s. 399.106, F.S., relating to
39 the former Elevator Safety Technical Advisory Committee;
40 providing a finding of important state interest; providing
41 effective dates.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Regional emergency elevator access.--

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

47 (a) For each building in this state which is six or more
48 stories in height, including, but not limited to, hotels and
49 condominiums, on which construction is begun after June 30,
50 2004, all of the keys for elevators that allow public access,
51 including, but not limited to, service and freight elevators,
52 must be keyed so as to allow all elevators within each of the
53 seven state emergency response regions to operate in fire
54 emergency situations with one master elevator key.

55 (b) Any building in this state which is six or more
56 stories in height and has undergone "substantial improvement" as

57 defined in section 161.54(12), Florida Statutes, must also
58 comply with paragraph (a).

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

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

70 (4) If it is technically, financially, or physically
71 impossible to bring a building into compliance with this
72 section, the local fire marshal may allow substitute emergency
73 measures that will provide reasonable emergency elevator access.
74 The local fire marshal's decision regarding substitute measures
75 may be appealed to the State Fire Marshal.

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

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

84 possible to convert existing equipment so as to provide
85 efficient regional emergency elevator access.

86 (7) The Department of Financial Services shall adopt rules
87 to implement this section, including rules to determine the
88 master elevator key to be used within each of the emergency
89 response regions.

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

92 399.03 Design, installation, and alteration of
93 conveyances.--

94 (1) A conveyance covered by this chapter may not be
95 erected, constructed, installed, or altered within buildings or
96 structures until a permit has been obtained from the department.
97 Permits must be applied for by a registered elevator company and
98 may only be granted upon receipt and approval of an application
99 to be made on a form prescribed by the department, accompanied
100 by proper fees and a sworn statement from an agent of the
101 registered elevator company that the plans meet all applicable
102 elevator safety and building codes. Permits may be granted only
103 to registered elevator companies in good standing. When any
104 material alteration is made, the alteration must conform to
105 applicable requirements of the Florida Building Code and the
106 provisions of this chapter. A copy of the permit and plans must
107 be kept at the construction site at all times while the work is
108 in progress and until a certificate of operation is issued. A
109 permit shall not be required for construction or repair of
110 elevators in seeking to attain compliance with emergency
111 elevator access requirements. Elevator owners shall forward to

112 the department, in an electronic format approved by the
 113 department, an emergency access notification that compliance
 114 measures are either not required or are being implemented. The
 115 emergency access notification must also contain specific
 116 compliance information, including the current compliance status,
 117 specific measures required to attain compliance, and
 118 certification by a state-certified inspector. Fees may not be
 119 assessed for the filing of the emergency access notification.
 120 The department shall maintain an emergency elevator access
 121 registry that is available to the State Fire Marshal of the
 122 Department of Financial Services for enforcement purposes. The
 123 Department of Business and Professional Regulation shall adopt
 124 rules to administer this section.

125 Section 3. Section 399.1061, Florida Statutes, is created
 126 to read:

127 399.1061 Elevator Safety Technical Advisory Council.--

128 (1) The Elevator Safety Technical Advisory Council is
 129 created within the division and shall consist of eight members
 130 appointed by the secretary of the department who meet the
 131 following criteria: one representative from a major elevator
 132 manufacturing company or its authorized representative; one
 133 representative from an elevator servicing company; one
 134 representative from a building design profession; one
 135 representative of the general public; one representative of a
 136 local government in this state; one representative of a building
 137 owner or manager; one representative of labor involved in the
 138 installation, maintenance, and repair of elevators; and one
 139 representative who is a certified elevator inspector from a

140 private inspection service. The council shall provide technical
 141 assistance to the division in support of protecting the health,
 142 safety, and welfare of the public and shall give the division
 143 the benefit of the council members' knowledge and experience
 144 concerning the industries and individual businesses affected by
 145 the laws and rules administered by the division.

146 (2)(a) The council members shall serve 4-year terms,
 147 except that to provide for staggered terms four of the initial
 148 appointees, as specified by rule, shall serve 2-year terms. All
 149 subsequent appointments shall be for 4-year terms. The council
 150 shall appoint one of the members to serve as chair.

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

154 (3) The council may consult with engineering authorities
 155 and organizations concerned with standard safety codes for
 156 recommendations to the department regarding rules for the
 157 operation, maintenance, servicing, construction, alteration,
 158 installation, or inspection of vertical conveyances subject to
 159 this chapter.

160 Section 4. Section 399.13, Florida Statutes, is amended to
 161 read:

162 399.13 Delegation of authority to municipalities or
 163 counties.--

164 (1) The department may enter into contracts with
 165 municipalities or counties under which the ~~such~~ municipalities
 166 or counties will issue construction permits and certificates of
 167 operation; will provide for inspection of elevators, including

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

191 (2) The department may make inspections of elevators in
192 the ~~such~~ municipality or county for the purpose of determining
193 that the provisions of this chapter are being met and may cancel
194 the contract with any municipality or county that ~~which~~ the
195 department finds has failed to comply with the ~~such~~ contract or

196 | ~~the provisions of~~ this chapter. The amendments to chapter 399
197 | by this act shall apply only to the installation, relocation, or
198 | alteration of an elevator for which a permit has been issued
199 | after October 1, 1990.

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

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

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