

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1342

SPONSOR: Governmental Oversight and Productivity Committee and Senator Constantine

SUBJECT: Elevator Safety Technical Committee

DATE: March 4, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Favorable</u>
2.	<u>White</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The committee substitute recreates the Elevator Safety Technical Advisory Council, formerly known as the Elevator Safety Technical Advisory Committee, within the Division of Hotels and Restaurants in the Department of Business and Professional Regulation (DBPR). The committee terminated pursuant to s. 399.106(3), F.S., on December 31, 2003. The bill expands the recreated council’s membership from seven to eight members by requiring one member to be a certified elevator inspector from a private inspection service.

The bill creates section 399.1061, Florida Statutes, and repeals section 399.106, Florida Statutes.

II. Present Situation:

The Elevator Safety Technical Advisory Committee was created in 2002 by s. 399.106, F.S.¹ Its existence was terminated on December 31, 2003, pursuant to s. 399.106(3), F.S.

The committee was located within the Division of Hotels and Restaurants in the DBPR, and its purpose was to provide the division with: (a) technical assistance in support of protecting the public’s health, safety, and welfare; and (b) the benefit of the committee members' knowledge and experience concerning the industries and individual businesses affected by the laws and rules administered by the division.

The committee consisted of seven members appointed by the Secretary of the DBPR who met the following criteria: (1) one representative from a major elevator manufacturing company or its authorized representative; (2) one representative from an elevator servicing company; (3) one

¹ Chapter 2001-86, s. 14, effective January 1, 2002.

representative from a building design profession; (4) one representative of the general public; (5) one representative of a local government in this state; (6) one representative of a building owner or manager; and (7) one representative of labor involved in the installation, maintenance, and repair of elevators.

The members were to be appointed to four-year, staggered terms as set by rule, and were to serve without compensation, except that members could be reimbursed for per diem and travel expenses.

III. Effect of Proposed Changes:

Section 1. The bill creates s. 399.1061, F.S., to recreate the Elevator Safety Technical Advisory Council (“the council”), formerly known as the Elevator Safety Technical Advisory Committee, within the Division of Hotels and Restaurants of the DBPR.

The bill is identical to s. 399.106, F.S. (2003), which provisions terminated on December 31, 2003, except that the bill: (a) adds a member to the committee who is a certified elevator inspector from a private inspection service; (b) specifies that four of the initial appointees shall serve two-year terms in order to provide for staggered terms; (c) provides that members shall serve without compensation, except that per diem and travel expenses may be provided in accordance with s. 112.061, F.S.; and (d) does not specify a termination date for the committee.

Section 2. The bill repeals s. 399.106, F.S., which provided for the Elevator Safety Technical Advisory Committee that terminated on December 31, 2003.

Section 3. The bill provides that this act shall take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill recreates the Elevator Safety Technical Advisory Committee and increases the committee's size from seven to eight members. According to the DBPR, the cost for travel reimbursement associated with the committee is minimal and can be absorbed by DBPR's existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The provisions of this bill are also contained in CS/CS/CS for SB's 672 and 680 by the Committees on Comprehensive Planning, Banking and Insurance, and Regulated Industries and Senators Constantine and Smith. The provisions of this bill are similar to those contained in SB 520 by Senator Constantine and CS for SB 494 by the Committee on Regulated Industries and Senator Bennett, which amend existing s. 399.106, F.S., to attain the same substantive result as this bill, instead of repealing that section and creating a new section as is done in this bill.

VIII. Amendments:

None.