

By Senator Constantine

22-177-04

1                                   A bill to be entitled  
2           An act relating to building safety; amending s.  
3           399.106; revising the membership of the  
4           Elevator Safety Technical Advisory Committee;  
5           removing provisions terminating the committee;  
6           amending s. 399.13, F.S.; authorizing counties  
7           and municipalities to impose certain fees and  
8           fines; prohibiting a county or municipality  
9           from taking disciplinary action against certain  
10          certifications or registrations; amending s.  
11          400.605, F.S.; deleting requirements that the  
12          Department of Elderly Affairs adopt physical  
13          plant standards for hospice facilities;  
14          creating s. 400.6056, F.S.; requiring that  
15          construction standards for hospice facilities  
16          comply with the Florida Building Code; amending  
17          s. 553.73, F.S.; including hospice facilities  
18          in the Florida Building Code; amending s.  
19          633.171, F.S.; establishing penalties for the  
20          unauthorized use of fireworks and pyrotechnic  
21          devices; amending s. 1013.45, F.S.; requiring  
22          life-cycle cost analysis in selection of public  
23          school facilities; providing requirements  
24          relating to regional emergency elevator access;  
25          requiring elevators in newly constructed or  
26          certain substantially renovated buildings to be  
27          keyed alike within each of the state emergency  
28          response regions; providing for these  
29          requirements to be phased in for certain  
30          existing buildings; restricting the duplication  
31          and issuance of master elevator keys; requiring

1 the labeling of master elevator keys; allowing  
2 local fire marshals to allow substitute  
3 emergency measures for elevator access in  
4 certain circumstances; providing for appeal of  
5 the local fire marshal's decision; providing  
6 for the State Fire Marshal to enforce these  
7 provisions; encouraging builders to use  
8 applicable new technology to provide regional  
9 emergency elevator access; providing an  
10 exemption for certain buildings; authorizing  
11 the Florida Building Commission to expedite  
12 adoption and implementation of the existing  
13 state building code as part of the Florida  
14 Building Code pursuant to limited procedures;  
15 providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Section 399.106, Florida Statutes, is  
20 amended to read:

21 399.106 Elevator Safety Technical Advisory  
22 Committee.--

23 (1) The Elevator Safety Technical Advisory Committee  
24 is created within the Department of Business and Professional  
25 Regulation, Division of Hotels and Restaurants, consisting of  
26 eight ~~seven~~ members to be appointed by the secretary of the  
27 Department of Business and Professional Regulation as follows:  
28 one representative from a major elevator manufacturing company  
29 or its authorized representative; one representative from an  
30 elevator servicing company; one representative from a building  
31 design profession; one representative of the general public;

1 one representative of a local government in this state; one  
2 representative of a building owner or manager; one  
3 representative of labor involved in the installation,  
4 maintenance, and repair of elevators; and one representative  
5 who is a certified elevator inspector from a private  
6 inspection service. The purpose of the committee is to provide  
7 technical assistance to the division in support of protecting  
8 the health, safety, and welfare of the public; to give the  
9 division the benefit of the committee members' knowledge and  
10 experience concerning the industries and individual businesses  
11 affected by the laws and rules administered by the division.

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

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

19 (3)~~(4)~~ The committee may consult with engineering  
20 authorities and organizations concerned with standard safety  
21 codes for recommendations to the department regarding rules  
22 and regulations governing the operation, maintenance,  
23 servicing, construction, alteration, installation, or  
24 inspection of vertical conveyances subject to this chapter.

25 Section 2. Subsection (1) of section 399.13, Florida  
26 Statutes, is amended to read:

27 399.13 Delegation of authority to municipalities or  
28 counties.--

29 (1) The department may enter into contracts with  
30 municipalities or counties under which such municipalities or  
31 counties will issue construction permits and certificates of

1 operation; will provide for inspection of elevators, including  
2 temporary operation inspections; and will enforce the  
3 applicable provisions of the Florida Building Code, as  
4 required by this chapter. The municipality or county may  
5 choose to require inspections to be performed by its own  
6 inspectors or by private certified elevator inspectors and may  
7 assess a reasonable fee for inspections performed by its  
8 inspectors. Each contract must ~~such agreement shall~~ include a  
9 provision that the municipality or county shall maintain for  
10 inspection by the department copies of all applications for  
11 permits issued, a copy of each inspection report issued, and  
12 proper records showing the number of certificates of operation  
13 issued; must ~~shall~~ include a provision that each required  
14 inspection be conducted by a certified elevator inspector; and  
15 may include such other provisions as the department deems  
16 necessary. The county shall enforce the Florida Building Code  
17 as it applies to this chapter and may impose fees and assess  
18 and collect fines as part of that enforcement. A county or  
19 municipality may not issue or take disciplinary action against  
20 a certificate of competency, an elevator inspector  
21 certification, an elevator technician certification, or an  
22 elevator company registration. However, the department may  
23 initiate disciplinary action against such registration or  
24 certification at the request of a county or municipality.

25 Section 3. Subsection (1) of section 400.605, Florida  
26 Statutes, is amended to read:

27 400.605 Administration; forms; fees; rules;  
28 inspections; fines.--

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

1 (a) License application procedures and requirements.

2 (b) The qualifications of professional and ancillary  
3 personnel to ensure the provision of appropriate and adequate  
4 hospice care.

5 (c) Standards and procedures for the administrative  
6 management of a hospice.

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

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

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

12 (g) Procedures for maintaining and ensuring  
13 confidentiality of patient records.

14 (h) Standards for hospice care provided in  
15 freestanding inpatient facilities that are not otherwise  
16 licensed medical facilities and in residential care facilities  
17 such as nursing homes, assisted living facilities, adult  
18 family care homes, and hospice residential units and  
19 facilities.

20 ~~(i) Physical plant standards for hospice residential  
21 and inpatient facilities and units.~~

22 (i)~~(j)~~ Components of a comprehensive emergency  
23 management plan, developed in consultation with the Department  
24 of Health, the Department of Elderly Affairs, and the  
25 Department of Community Affairs.

26 (j)~~(k)~~ Standards and procedures relating to the  
27 establishment and activities of a quality assurance and  
28 utilization review committee.

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

1           Section 4. Section 400.6056, Florida Statutes, is  
2 created to read:

3           400.6056 Construction and renovation;  
4 requirements.--The requirements for the construction and the  
5 renovation of a hospice inpatient facility or unit or a  
6 hospice residence must comply with chapter 553 which pertain  
7 to building construction standards, including plumbing,  
8 electrical, glass, manufactured buildings, accessibility by  
9 physically handicapped persons, and the state minimum building  
10 codes.

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

13           553.73 Florida Building Code.--

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

1 provisions to be contained within the Florida Building Code  
2 are restricted to requirements related to the types of  
3 materials used and construction methods and standards employed  
4 in order to meet criteria specified in the Florida Building  
5 Code. Provisions relating to the personnel, supervision or  
6 training of personnel, or any other professional qualification  
7 requirements relating to contractors or their workforce may  
8 not be included within the Florida Building Code, and  
9 subsections (4), (5), (6), and (7) are not to be construed to  
10 allow the inclusion of such provisions within the Florida  
11 Building Code by amendment. This restriction applies to both  
12 initial development and amendment of the Florida Building  
13 Code.

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

16 633.171 Penalty for violation of law, rule, or order  
17 to cease and desist or for failure to comply with corrective  
18 order.--

19 (3)(a) An owner or operator of an indoor facility may  
20 not knowingly allow the installation of a pyrotechnic device  
21 or fireworks inside his or her facility without a  
22 fire-suppression system or without a copy of a local fire  
23 marshal's permit furnished to the owner or operator by a  
24 vendor or licensee who wishes to install a pyrotechnic device  
25 or fireworks inside the indoor facility.

26 (b) A vendor or licensee may not install fireworks or  
27 a pyrotechnic device in an indoor facility without a  
28 fire-suppression system unless he or she first obtains a local  
29 fire marshal's permit, furnishes a copy of that permit to the  
30 owner or operator of the indoor facility, and obtains prior  
31 written consent of the owner or operator to install the

1 fireworks or a pyrotechnic device inside his or her indoor  
2 facility.

3 (c) A person who violates this subsection commits a  
4 felony of the third degree, punishable as provided in s.  
5 775.082, s. 775.083, or s. 775.084.

6 (d) This subsection does not apply to the  
7 manufacturing, distribution, wholesale or retail sale or  
8 seasonal retail sale, of products regulated pursuant to  
9 chapter 791, where such products are not used or exploded  
10 within an indoor facility. This subsection does not affect the  
11 applicability of the Florida Fire Prevention Code, as  
12 referenced in ss. 633.0215 and 633.025 and adopted by the  
13 department.

14 Section 7. Subsection (5) is added to section 1013.45,  
15 Florida Statutes, to read:

16 1013.45 Educational facilities contracting and  
17 construction techniques.--

18 (5)(a) To assure that the public receives the best  
19 value in the provision of public school facilities, local  
20 school districts must use life-cycle cost analysis as one of  
21 the criteria for selecting new, expanded, or reconstructed  
22 facilities. Such analysis must consider:

- 23 1. The annual anticipated energy consumption;
- 24 2. The structural component's ability to withstand  
25 wind and associated debris;
- 26 3. The structural component's ability to resist  
27 wood-destroying organisms;
- 28 4. The perpetual maintenance costs of the facility;
- 29 5. The structural component's ability to resist fire;
- 30 and
- 31 6. The annual insurance costs.



1           (b) In completing such analysis, the school district  
2 may rely on information provided by the contractor if such  
3 information is based on the best available construction  
4 methods and products, as identified by the National Institute  
5 of Standards and Technology, the United States Department of  
6 Housing and Urban Development, other federal and state  
7 agencies, and other technical or professional organizations.

8           Section 8. Regional emergency elevator access.--

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

10           (a) For each building in this state which is six or  
11 more stories in height, including, but not limited to, hotels  
12 and condominiums, on which construction is begun after June  
13 30, 2004, all of the keys for elevators that allow public  
14 access, including, but not limited to, service and freight  
15 elevators, must be keyed so as to allow all elevators within  
16 each of the seven state emergency response regions to operate  
17 in fire emergency situations with one master elevator key.

18           (b) Any building in this state which is six or more  
19 stories in height and is "substantially renovated" as defined  
20 in the Americans with Disabilities Act, as amended, after June  
21 30, 2004, must also comply with paragraph (a).

22           (2) Each building existing in this state on July 1,  
23 2004, which is six or more stories in height must comply with  
24 subsection (1) before July 1, 2007.

25           (3) In addition to elevator owners, owner's agents,  
26 elevator contractors, State Certified Inspectors, and State of  
27 Florida agency representatives, master elevator keys may be  
28 issued only to the fire department and may not be issued to  
29 any other emergency response agency. A person may not  
30 duplicate a master elevator key for issuance to, or issue such  
31 a key to, anyone other than authorized fire department

1 personnel. Each master elevator key must be marked "DO NOT  
2 DUPLICATE."

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

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

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

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

18 Section 9. The Florida Building Commission may  
19 expedite the adoption and implementation of the State Existing  
20 Building Code as part of the Florida Building Code pursuant  
21 only to chapter 120, Florida Statutes. The special update and  
22 amendment requirements of section 553.73, Florida Statutes,  
23 and the administrative rule requiring additional delay between  
24 adoption and implementation of the code are waived.

25 Section 10. This act shall take effect July 1, 2004.  
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SENATE SUMMARY

Provides requirements relating to regional emergency elevator access. Requires elevators in newly constructed or certain substantially renovated buildings to be keyed alike within each of the state emergency response regions. Provides that these requirements be phased in for certain existing buildings. Restricts the duplication and issuance of master elevator keys. Requires the labeling of master elevator keys. Permits local fire marshals to allow substitute emergency measures for elevator access under certain circumstances. Provides for appeal of the local fire marshal's decision. Authorizes the State Fire Marshal to enforce these provisions. Encourages builders to use applicable new technology to provide regional emergency elevator access. (See bill for details.)