

By the Committee on Regulated Industries; and Senators
Constantine and Smith

315-1463-04

1 A bill to be entitled
2 An act relating to emergency elevator access;
3 providing requirements relating to regional
4 emergency elevator access; requiring elevators
5 in newly constructed or certain substantially
6 renovated buildings to be keyed alike within
7 each of the state emergency response regions;
8 providing for these requirements to be phased
9 in for certain existing buildings; restricting
10 the duplication and issuance of master elevator
11 keys; requiring the labeling of master elevator
12 keys; allowing local fire marshals to allow
13 substitute emergency measures for elevator
14 access in certain circumstances; providing for
15 appeal of the local fire marshal's decision;
16 providing for the State Fire Marshal to enforce
17 the act; encouraging builders to use applicable
18 new technology to provide regional emergency
19 elevator access; providing an exemption for
20 certain buildings; creating s. 399.1061, F.S.;
21 reestablishing the Elevator Safety Technical
22 Advisory Committee within the Division of
23 Hotels and Restaurants of the Department of
24 Business and Professional Regulation,
25 notwithstanding abolishment of the committee
26 pursuant to law; providing for the membership
27 of the committee; requiring the committee to
28 provide technical assistance to the division;
29 providing for terms of office and for payment
30 of per diem and travel expenses; providing for
31 members of the committee whose terms expired on

1 December 31, 2003, but who have not completed a
2 4-year term, to continue to hold office until
3 completion of a 4-year term; repealing s.
4 399.106, F.S., relating to the former Elevator
5 Safety Technical Advisory Committee; providing
6 effective dates.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Regional emergency elevator access.--

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

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

20 (b) Any building in this state which is six or more
21 stories in height and is "substantially renovated" as defined
22 in the Americans with Disabilities Act, as amended, after June
23 30, 2004, must also comply with paragraph (a).

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

27 (3) In addition to elevator owners, owner's agents,
28 elevator contractors, state-certified inspectors, and State of
29 Florida agency representatives, master elevator keys may be
30 issued only to the fire department and may not be issued to
31 any other emergency-response agency. A person may not

1 duplicate a master elevator key for issuance to, or issue such
2 a key to, anyone other than authorized fire department
3 personnel. Each master elevator key must be marked "DO NOT
4 DUPLICATE."

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

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

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

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

20 Section 2. Section 399.1061, Florida Statutes, is
21 created to read:

22 399.1061 Elevator Safety Technical Advisory
23 Committee.--

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

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

13 (2) The committee members shall serve staggered terms
14 of 4 years to be set by rule without salary, but are entitled
15 to reimbursement for per diem and travel expenses as provided
16 in s. 112.061. The committee shall appoint one of the members
17 to serve as chair.

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

24 Section 3. Any member of the Elevator Safety Technical
25 Advisory Committee whose term of office was terminated on
26 December 31, 2003, as provided by section 399.106, Florida
27 Statutes, but who had held the appointment for less than 4
28 years on that date shall be reappointed for the remainder of
29 his or her 4-year term. The Secretary of Business and
30 Professional Regulation shall appoint the other members of the

31

1 committee to staggered terms of office as provided by section
2 399.1061, Florida Statutes.

3 Section 4. Section 399.106, Florida Statutes, is
4 repealed.

5 Section 5. This act shall take effect upon becoming a
6 law, except that section 1 of this act, which provides for
7 regional emergency elevator access, shall take effect July 1,
8 2004.

9
10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 672 and 680

13 The committee substitute merges the provisions of Senate Bills
14 672 and 680, by Senators Constantine and Smith, respectively.
15 The committee substitute recreates the Elevator Safety
16 Technical Advisory Committee within the Department of Business
17 and Professional Regulation. It repeals s. 399.106, F.S., and
18 provides for the reappointment of committee members whose
19 terms were terminated on December 31, 2003.

20
21
22
23
24
25
26
27
28
29
30
31