

By the Committees on Banking and Insurance; Regulated Industries; and Senators Constantine and Smith

311-1991-04

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 certain newly constructed or certain  
6           substantially improved buildings to be keyed  
7           alike within each of the state emergency  
8           response regions; providing for these  
9           requirements to be phased in for certain  
10          existing buildings; restricting the duplication  
11          and issuance of master elevator keys; requiring  
12          the labeling of master elevator keys; allowing  
13          local fire marshals to allow substitute  
14          emergency measures for elevator access in  
15          certain circumstances; providing for appeal of  
16          the local fire marshal's decision; providing  
17          for the State Fire Marshal to enforce the act;  
18          encouraging builders to use applicable new  
19          technology to provide regional emergency  
20          elevator access; providing penalties for  
21          violations; authorizing the Department of  
22          Financial Services to adopt rules; amending s.  
23          399.03, F.S.; providing for waiver of a permit  
24          fee under certain circumstances; creating s.  
25          399.1061, F.S.; reestablishing the Elevator  
26          Safety Technical Advisory Committee within the  
27          Division of Hotels and Restaurants of the  
28          Department of Business and Professional  
29          Regulation, notwithstanding abolishment of the  
30          committee pursuant to law; providing for the  
31          membership of the committee; requiring the

1 committee to provide technical assistance to  
2 the division; providing for terms of office and  
3 for payment of per diem and travel expenses;  
4 providing for members of the committee whose  
5 terms expired on December 31, 2003, but who  
6 have not completed a 4-year term, to continue  
7 to hold office until completion of a 4-year  
8 term; repealing s. 399.106, F.S., relating to  
9 the former Elevator Safety Technical Advisory  
10 Committee; providing effective dates.

11

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

13

14 Section 1. Regional emergency elevator access.--

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

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

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

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

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1           (3) In addition to elevator owners, owner's agents,  
2 elevator contractors, state-certified inspectors, and state  
3 agency representatives, master elevator keys may be issued  
4 only to the fire department and may not be issued to any other  
5 emergency response agency. A person may not duplicate a master  
6 elevator key for issuance to, or issue such a key to, anyone  
7 other than authorized fire department personnel. Each master  
8 elevator key must be marked "DO NOT DUPLICATE."

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

15           (5) The Division of State Fire Marshal of the  
16 Department of Financial Services shall enforce this section.  
17 Any person who fails to comply with the requirements of this  
18 section is subject to the penalties provided in section  
19 633.171, Florida Statutes.

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

24           (7) The Department of Financial Services shall adopt  
25 rules to implement this section, including rules to determine  
26 the master elevator key to be used within each of the  
27 emergency response regions.

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

30           399.03 Design, installation, and alteration of  
31 conveyances.--

1           (1) A conveyance covered by this chapter may not be  
2 erected, constructed, installed, or altered within buildings  
3 or structures until a permit has been obtained from the  
4 department. Permits must be applied for by a registered  
5 elevator company and may only be granted upon receipt and  
6 approval of an application to be made on a form prescribed by  
7 the department, accompanied by proper fees and a sworn  
8 statement from an agent of the registered elevator company  
9 that the plans meet all applicable elevator safety and  
10 building codes. Permits may be granted only to registered  
11 elevator companies in good standing. When any material  
12 alteration is made, the alteration must conform to applicable  
13 requirements of the Florida Building Code and the provisions  
14 of this chapter. A copy of the permit and plans must be kept  
15 at the construction site at all times while the work is in  
16 progress and until a certificate of operation is issued. If a  
17 permit is required to alter an elevator in order for the  
18 elevator to comply with section 1 of this act, the permit fee  
19 required by the department shall be waived.

20           Section 3. 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 4. 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

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

3 Section 5. Section 399.106, Florida Statutes, is  
4 repealed.

5 Section 6. 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.

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
11 COMMITTEE SUBSTITUTE FOR  
12 CS for SB's 672 and 680

- 13  
14 - Changes the term "substantially renovated" to the term  
15 "substantial improvement" as defined in the Florida  
16 Statutes, for elevators in specified buildings to comply  
17 with the provisions of the act.  
18 - Authorizes the local fire marshal to allow substitute  
19 emergency measures where it is "financially" impossible  
20 to bring a building into compliance with the act.  
21 - Provides first and second misdemeanor penalties for  
22 noncompliance with the elevator master key requirements.  
23 - Deletes the provision that independent special districts  
24 or airports that have 24-hour emergency response services  
25 are exempt from the provisions of the bill.  
26 - Provides for rulemaking authority for the Department of  
27 Financial Services.  
28 - Provides that if a permit fee is required to alter an  
29 elevator under the requirements of this bill, the \$200  
30 fee, which is issued by the Department of Business and  
31 Professional Regulation, is waived.