

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 253
SPONSOR(S): Frishe
TIED BILLS:

Elevator Safety

IDEN./SIM. BILLS: CS/SB 550

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Business Regulation</u>	<u>11 Y, 0 N</u>	<u>Livingston/Smith</u>	<u>Liepshutz</u>
2) <u>Jobs & Entrepreneurship Council</u>	<u>14 Y, 0 N</u>	<u>Livingston/Topp</u>	<u>Thorn</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Current law requires that residential multi-family dwellings that are at least 75 feet in height and have a public elevator must be capable of operating at least one elevator on alternate generated power. The elevator must be able to operate for an unspecified number of hours each day for a period of five days after a disaster or emergency resulting in an electrical power outage.

The bill provides that a person, firm, or corporation that has not met the requirement to provide to the local building inspection agency verification of engineering plans for alternative generated power by December 31, 2006 must meet that requirement by December 31, 2010. It also provides that an enforcement action, fine, or other penalty is not valid for a violation unless the violation of this requirement occurs after December 31, 2010.

The bill also provides that a person, firm, or corporation that has not met the requirements for verification by the local building inspectors of the installation and operational capability of the alternate generated power source and for the inspector's report to the county emergency management director by December 31, 2007 must meet these requirements by December 31, 2011. It also provides that an enforcement action, fine, or other penalty is not valid for a violation unless the violation of this requirement occurs after December 31, 2011.

The Department of Business and Professional Regulation does not anticipate any fiscal impact related to this legislation.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill extends statutory timeframes for future compliance. The bill does not appear to implicate the House principles.

B. EFFECT OF PROPOSED CHANGES:

Present situation

Elevator Safety Act

Chapter 399, F.S., is the "Elevator Safety Act." The purposes of the Act are stated to include "safety of life and limb and to promote public safety awareness." It also "establishes minimum standards for elevator safety." The Bureau of Elevator Safety (bureau) of the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is the agency charged with enforcing the provisions of this chapter. Section 399.061, F.S., requires the inspection of elevators by a certified elevator inspector or by a municipality or county under contract with the division.

Chapter 553, F.S., relates to "Building Construction Standards. Part II of this chapter relates to "Accessibility By Handicapped Persons." Section 553.509, F.S., is included in this part.

During the 2006 regular legislative session, s. 553.509(2)(a), F.S., was enacted to require that any person, firm, or corporation that owns, manages, or operates a residential multi-family dwelling, which is at least 75 feet high and contains a public elevator, to have at least one elevator capable of operating on alternative generated power. In the event of a general power outage, the elevator must ensure that residents have building access for a specified number of hours each day over a five-day period following a natural or manmade disaster, emergency, or other civil disturbance. The alternate generated power source must be capable of operating any connected fire alarm system which controls elevator operations in the building.

Section 553.509(2)(b), F.S., provides that the elevator must be appropriately pre-wired and prepared to accept alternate generated power. The power source must be capable of powering the elevator, a connected building fire alarm system, and emergency lighting in the internal lobbies, hallways, and other internal public portions of the building. The dwellings must either have a generator and fuel source on the property or proof of a current guaranteed service contract providing equipment and fuel source within 24 hours of a request.

This section specifies that the person, firm, or corporation that owns, manages, or operates a building affected by this requirement must provide to the local building inspection agency verification of engineering plans for alternate generated power capability by December 31, 2006.

The local building inspectors must verify the installation and operational capability of the alternate generated power source and report to the county emergency management director by December 31, 2007.

Newly constructed residential multi-family dwellings meeting the criteria of this section must meet the engineering, installation, and verification requirements before occupancy.

Florida Building Commission

Chapter 553, F.S., in part, establishes the Florida Building Commission (commission). The commission is authorized to adopt a single, unified state building code consisting of a single set of documents that apply to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings or structures, and to enforce requirements providing for effective and reasonable protection for the public safety, health, and welfare of the citizens of Florida. The commission is administered and staffed by the Department of Community Affairs (DCA). Commission activities are funded through an "under roof floor space assessment" of one-half cent per square foot. The local government responsible for collecting a permit fee collects the surcharge and remits it to the DCA quarterly.

The commission is charged with the responsibility of amending and updating the code every three years to make recommendations on which laws should be revised or repealed to maintain consistency with the code. It can also approve technical amendments to the code once each year. The first triennial update of the code became effective in October 2005, and the second update is due this year with an effective date of October 1, 2008. The 2006 International Building Codes is required to be used as a foundation for changes.

Florida Building Code

Chapter 553, F.S., in part, also establishes the Florida Building Code (code). The code requires high-rise buildings be provided with Class 1, Type 60 standby power. The code requires high-rise emergency power be provided for elevator car lighting and emergency voice/alarm communications systems. Standby power is required for power and lighting for the fire command center, electrically powered fire pumps, ventilation and automatic fire detection equipment for smoke proof enclosures, and elevators.

Section 3003 of the code requires that:

- Standby power shall be manually transferable to all elevators in each bank;
- If there is only one elevator, it shall automatically transfer to standby power within 60 seconds after failure of normal power;
- If there are two or more elevators controlled by a common operating system, all elevators must transfer to standby power within 60 seconds, providing the standby power source is of sufficient capacity to operate all elevators at the same time. Where the power source is not sufficient, then all elevators shall transfer to standby power in sequence, return to the designated landing and disconnect from the standby power source, then at least one elevator shall remain operable on standby power; and
- Where standby power is connected to elevators, the machine room ventilation or air conditioning shall also be connected to the standby power source.

Emergency and standby power must be installed in accordance with NFPA 70 (the National Electrical Code) and NFPA 110 (the Standard for Emergency and Standby Power Systems).

Effect of proposed changes

The bill provides that a person, firm, or corporation that has not met the requirement to provide verification of engineering plans for alternate generated power by December 31, 2006 must meet that requirement by December 31, 2010. The confirmation would still be required to be submitted to the local building inspection agency. It also specifies that an enforcement action, fine, or other penalty is not valid for a violation unless the violation occurs after December 31, 2010.

The bill provides that a person, firm, or corporation that has not met the requirements for verification by the local building inspectors of the installation and operational capability of the alternate generated power source and for the inspector's report to the county emergency management director by

December 31, 2007 must meet these requirements by December 31, 2011. It also provides that an enforcement action, fine, or other penalty is not valid for a failure to submit these reporting requirements unless the violation occurs after December 31, 2011.

C. SECTION DIRECTORY:

Section 1. Amends s. 553.509, F.S., relating to elevator safety to extend statutory deadlines for verification of plans for alternative sources of power for elevators in residential multifamily dwellings and for verification of elevator compliance with installation and operational capability requirements.

Section 2. Effective date – July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This legislation is not expected to have any fiscal impact to the state.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, does not appear to reduce the authority that counties or municipalities have to raise revenue in the aggregate, and does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None noted.

B. RULE-MAKING AUTHORITY:

NA

C. DRAFTING ISSUES OR OTHER COMMENTS:

NA

D. STATEMENT OF THE SPONSOR

This bill merely extends the time-frame for compliance. In this time of economic stress, this will allow many of our constituency a little additional time to cover the cost of implementing this program.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES