

# 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 574

SPONSOR: Regulated Industries Committee and Senator Constantine

SUBJECT: Fla. Building Code/Elevators

DATE: March 27, 2003

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sumner</u>	<u>Imhof</u>	<u>RI</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>CP</u>	_____
3.	_____	_____	<u>BI</u>	_____
4.	_____	_____	<u>ATD</u>	_____
5.	_____	_____	<u>AP</u>	_____
6.	_____	_____	_____	_____

## I. Summary:

This bill provides that each building in the state, including, but not limited to, hotels and condominiums, on which construction is begun after June 30, 2003, and buildings 6 or more stories that are “substantially renovated” as defined in the Americans with Disabilities Act, as amended, after June 30, 2003, must be keyed with one master key to allow emergency elevator access in fire emergency situations. The master key would only be issued to elevator owner’s agents, elevator contractors, State Certified Inspectors, State of Florida agency representatives, and the fire department and would not be issued to any other emergency response agency. Compliance for existing buildings six or more stories is required by July 1, 2006. The bill gives the local fire marshal authority to allow substitute emergency measures for buildings which technically or physically cannot comply with the provisions of the section. The bill gives the Division of the State Fire Marshal authority to enforce the provisions of the section. The bill also exempts any building operated by an independent special district or airport that has 24 hour emergency response service.

This bill creates unnumbered sections of the Florida Statutes.

## II. Present Situation:

In s. 943.0312, F.S., the legislature states that there is a need to develop and implement a statewide strategy to address preparation and response efforts by federal, state, and local law enforcement agencies, emergency management agencies, fire and rescue department, first responder personnel and others in dealing with potential or actual terrorist acts within or affecting the state. Regional domestic security task forces were established in each of the Department of Law Enforcement’s 7 operational regions. According to the Division of Sate Fire

Marshals, there is a strain on harnessing emergency access to elevators in most of the regions due to the multitude of different fire departments within each region.

According to the Department of Business and Professional Regulation (department), uniformity of elevator key switches is not currently prescribed or regulated by state law. The department is the enforcement authority for ch. 399, F.S., the Florida Elevator Safety Act, and rules related to elevator construction, installation, permitting, inspection, and maintenance promulgated in concert with the Florida Building Commission.

### **III. Effect of Proposed Changes:**

This bill provides that each building in the state, including, but not limited to, hotels and condominiums, on which construction is begun after June 30, 2003, and buildings 6 or more stories that are “substantially renovated” as defined in the Americans with Disabilities Act, as amended, after June 30, 2003, must be keyed with one master key to allow emergency elevator access in each of the seven state emergency response regions in fire emergency situations. The master key would only be issued to elevator owner’s agents, elevator contractors, State Certified Inspectors, State of Florida agency representatives, and the fire department and would not be issued to any other emergency response agency. The key cannot be duplicated for anyone other than authorized fire-department personnel. Compliance for existing buildings six or more stories is required by July 1, 2006.

The bill gives the local fire marshal authority to allow substitute emergency measures for buildings which technically or physically cannot comply with the provisions of the section. The bill gives the Division of the State Fire Marshal authority to enforce the provisions of the section. The bill also exempts any building operated by an independent special district or airport that has 24 hour emergency response service.

The department states that the bill does not limit the master key provision to the fire service switch, and may require all keyed switches (fan, lights, stop, independent operation, etc.) to be master keyed.

### **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:**

The department states that elevator manufacturers and existing building owners will be subject to costs of design, installation and retrofitting of elevator key switches to operate on a uniform master key.

**C. Government Sector Impact:**

None

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

According to the department, there could be a conflict between the department's current enforcement of elevator safety authority under ch. 399, F.S. and the bill's assignment of authority to the Division of State Fire Marshal.

**VIII. Amendments:**

None.