

CHAMBER ACTION

1 The Committee on Insurance recommends the following:

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3 **Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled  
7 An act relating to elevator safety; creating s. 399.025,  
8 F.S.; providing for regional emergency elevator access;  
9 requiring elevators in certain newly constructed or  
10 substantially renovated buildings within a state emergency  
11 response region to be operable in a fire emergency  
12 situation through the use of a single master elevator key;  
13 requiring compliance for certain existing buildings by a  
14 specified date; restricting the duplication and issuance  
15 of master elevator keys; authorizing local fire marshals  
16 to allow substitute emergency measures for emergency  
17 elevator access in certain circumstances; providing for  
18 appeal of a local fire marshal's decision; providing for  
19 enforcement by the Division of State Fire Marshal of the  
20 Department of Financial Services; providing a penalty for  
21 violation; providing for deposit of fines; providing an  
22 exemption for specified buildings; providing rulemaking  
23 authority of the Division of State Fire Marshal; amending

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24 s. 399.03, F.S.; providing for waiver of a permit fee  
 25 under certain circumstances; creating s. 399.1061, F.S.;  
 26 reestablishing the Elevator Safety Technical Advisory  
 27 Committee within the Division of Hotels and Restaurants of  
 28 the Department of Business and Professional Regulation;  
 29 providing for membership of the committee; requiring the  
 30 committee to provide technical assistance to the division;  
 31 providing for terms of members; providing for per diem and  
 32 travel expenses; providing for the continuation of terms  
 33 of specified members of the committee; repealing s.  
 34 399.106, F.S., relating to the Elevator Safety Technical  
 35 Advisory Committee, which terminated on December 31, 2003;  
 36 providing effective dates.

37

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

39

40 Section 1. Effective July 1, 2004, section 399.025,  
 41 Florida Statutes, is created to read:

42 399.025 Regional emergency elevator access.--

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

44 (a) For each building in this state which is six or more  
 45 stories in height, including, but not limited to, hotels and  
 46 condominiums, on which construction is begun after June 30,  
 47 2004, all keys for elevators that allow public access,  
 48 including, but not limited to, service and freight elevators,  
 49 must be keyed in a manner that will allow all elevators within  
 50 each of the seven state emergency response regions to operate in  
 51 fire emergency situations by using one master elevator key.

52 (b) Any building in this state which is six or more  
 53 stories in height and is "substantially renovated" as defined in  
 54 the Americans with Disabilities Act, as amended, after June 30,  
 55 2004, must also comply with the requirements of paragraph (a).

56 (2) Each existing building in this state which is six or  
 57 more stories in height must comply with the requirements of  
 58 subsection (1) before July 1, 2007.

59 (3) In addition to elevator owners, elevator owners'  
 60 agents, elevator contractors, state certified inspectors, and  
 61 State of Florida agency representatives, master elevator keys  
 62 may be issued only to fire departments and may not be issued to  
 63 any other emergency-response agency. A person may not duplicate  
 64 a master elevator key for issuance to, or issue a master  
 65 elevator key to, anyone other than authorized fire department  
 66 personnel. Each master elevator key must be marked "DO NOT  
 67 DUPLICATE."

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

74 (5) The Division of State Fire Marshal of the Department  
 75 of Financial Services shall enforce this section. Any person  
 76 who fails to comply with the requirements of this section is  
 77 subject to an administrative fine of not greater than \$1,000, in  
 78 addition to any other penalty provided by law. All

79 administrative fines shall be deposited into the Insurance  
80 Regulatory Trust Fund.

81 (6) Builders should make every effort to use new  
82 technology and developments in keying systems that make it  
83 possible to convert existing equipment in a manner that will  
84 provide efficient regional emergency elevator access.

85 (7) Any building operated by an independent special  
86 district or an airport that has 24-hour emergency response  
87 services is exempt from this section.

88 (8) The Division of State Fire Marshal shall adopt rules  
89 to implement this section, including rules to determine the  
90 master elevator key to be used within each of the emergency  
91 response regions.

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

94 399.03 Design, installation, and alteration of  
95 conveyances.--

96 (1) A conveyance covered by this chapter may not be  
97 erected, constructed, installed, or altered within buildings or  
98 structures until a permit has been obtained from the department.  
99 Permits must be applied for by a registered elevator company and  
100 may only be granted upon receipt and approval of an application  
101 to be made on a form prescribed by the department, accompanied  
102 by proper fees and a sworn statement from an agent of the  
103 registered elevator company that the plans meet all applicable  
104 elevator safety and building codes. Permits may be granted only  
105 to registered elevator companies in good standing. When any  
106 material alteration is made, the alteration must conform to

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107 applicable requirements of the Florida Building Code and the  
 108 provisions of this chapter. A copy of the permit and plans must  
 109 be kept at the construction site at all times while the work is  
 110 in progress and until a certificate of operation is issued. If  
 111 a permit is required to alter an elevator in order for the  
 112 elevator to comply with s. 399.025, the permit fee required by  
 113 the department shall be waived.

114 Section 3. Section 399.1061, Florida Statutes, is created  
 115 to read:

116 399.1061 Elevator Safety Technical Advisory Committee.--

117 (1) The Elevator Safety Technical Advisory Committee is  
 118 created within the Division of Hotels and Restaurants of the  
 119 Department of Business and Professional Regulation. The advisory  
 120 committee shall consist of eight members, to be appointed by the  
 121 Secretary of Business and Professional Regulation as follows:  
 122 one representative from a major elevator manufacturing company  
 123 or its authorized representative; one representative from an  
 124 elevator servicing company; one representative from the building  
 125 design profession; one representative of the general public; one  
 126 representative of a local government in this state; one  
 127 representative of building owners or managers; one  
 128 representative of labor involved in the installation,  
 129 maintenance, and repair of elevators; and one representative who  
 130 is a certified elevator inspector from a private inspection  
 131 service. The committee shall provide technical assistance to the  
 132 division in support of protecting the health, safety, and  
 133 welfare of the public and shall give the division the benefit of  
 134 the committee members' knowledge and experience concerning the

135 industries and individual businesses affected by the laws and  
 136 rules administered by the division.

137 (2) The committee members shall serve staggered terms of 4  
 138 years to be set by rule. Members of the committee shall serve  
 139 without compensation, but are entitled to reimbursement for per  
 140 diem and travel expenses as provided in s. 112.061. The  
 141 committee shall appoint one of the members to serve as chair.

142 (3) The committee may consult with engineering authorities  
 143 and organizations concerned with standard safety codes for  
 144 recommendations to the department regarding rules governing the  
 145 operation, maintenance, servicing, construction, alteration,  
 146 installation, or inspection of vertical conveyances subject to  
 147 this chapter.

148 Section 4. Any member of the Elevator Safety Technical  
 149 Advisory Committee whose term of office was terminated on  
 150 December 31, 2003, as provided by s. 399.106, Florida Statutes,  
 151 but who had held the appointment for less than 4 years on that  
 152 date, shall be reappointed for the remainder of his or her 4-  
 153 year term. The Secretary of Business and Professional  
 154 Regulation shall appoint the other members of the committee to  
 155 staggered terms of office as provided by s. 399.1061, Florida  
 156 Statutes.

157 Section 5. Section 399.106, Florida Statutes, is repealed.

158 Section 6. Except as otherwise provided herein, this act  
 159 shall take effect upon becoming law.