

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's 672 and SB 680

SPONSOR: Regulated Industries Committee and Senators Constantine and Smith

SUBJECT: Emergency Elevator Access

DATE: January 28, 2004 REVISED: _____

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

I. Summary:

The bill provides for elevators in buildings in the state that are six or more stories be keyed with a master key to allow for emergency elevator access. It provides deadlines to meet this requirement for new and existing buildings inspected. The key would be issued to the fire department as well as elevator owners, owners' agents, elevator contractors, state certified inspectors, and state agency representatives.

The bill recreates the Elevator Safety Technical Advisory Committee within the Department of Business and Professional Regulation, Division of Hotels and Restaurants.

The bill repeals s. 399.106, F.S., which initially created the Elevator Safety Technical Advisory Committee, but which terminated it effective December 31, 2003. The recreated committee's membership would be increased from that of the previous committee from seven to eight members by adding one member who is a certified elevator inspector from a private inspection service.

The bill provides for the appointment of committee members and for the reappointment of committee members whose appointments were terminated on December 31, 2003.

This bill repeals section 399.106, Florida Statutes. This bill creates section 399.1061, Florida Statutes. This bill creates an unnumbered section of the Florida Statutes.

II. Present Situation:

Elevators

Section 33 of ch. 2001-186, L.O.F., required the Florida Building Commission to research the issue of requiring all primary elevators in building with more than five levels to operate with a universal key, which allows access and operation of elevators by emergency personnel.

Section 943.0312, F.S., provides 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 seven operational regions. According to the Division of State Fire Marshal, emergency access to elevators in most of the regions is made difficult by 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 adopted in concert with the Florida Building Commission.

Elevator Safety Technical Advisory Committee

The seven member Elevator Safety Technical Advisory Committee was created under s. 399.106, F.S., within the Department of Business and Professional Regulation, Division of Hotels and Restaurants. The purpose of this committee was to provide technical assistance to the Division of Hotels and Restaurants. Effective December 31, 2003, the committee was terminated by operation of s. 399.106(4), F.S.

III. Effect of Proposed Changes:

Section 1. The bill creates an unnumbered section of the Florida Statutes to provide that each building in the state which is six or more stories, including, but not limited to, hotels and condominiums, on which construction is begun after June 30, 2004, and buildings six or more stories that are "substantially renovated" as defined in the Americans with Disabilities Act, as amended, after June 30, 2004, must be keyed with one master key to allow emergency elevator access for each of the seven state emergency response regions in fire emergency situations.

The master key would only be issued to 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. However, elevator owners, owner's agents, elevator contractors, state-certified inspectors, and state agency representatives may be issued a master key. Compliance for existing buildings six or more stories is required by July 1, 2007.

The bill gives the local fire marshal authority to allow substitute emergency measures for buildings which technologically or physically cannot comply with the provisions of the section. The Division of the State Fire Marshal is authorized to enforce the provisions of the section. Any building operated by an independent special district or airport that has 24-hour emergency response services is exempt from the provisions of this section.

Section 2. The bill creates s. 399.1061, F.S., to recreated the Elevator Safety Technical Advisory Committee (“the committee”) within the Department of Business and Professional Regulation, Division of Hotels and Restaurants.

The bill duplicates the provisions of s. 199.106, F.S. (2003), which provisions terminated on December 31, 2003, but also increases the membership of the committee. The committee’s membership would be increased from seven to eight members by adding one member who is a certified elevator inspector from a private inspection service.

The bill does not provide for the termination of the committee on a fixed date.

Section 3. The bill provides for the reappointment of any committee member whose term of office was terminated on December 31, 2003, provided that the appointment was held for less than 4 years on that date. The reappointment would be for the remainder of the initial four year term. The bill provides that the Secretary of the Department of Business and Professional Regulation shall appoint the other members to staggered terms as provided by s. 399.1061, F.S.

Section 4. The bill repeals s. 399.106, F.S.

Section 5. The bill provides that this act shall take effect upon becoming law, except for section of the bill, which would take effect on July 1, 2004.

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 bill would require that owners and builders of buildings six or more stories in height to key their building elevators to comply with master key provisions of this bill.

C. Government Sector Impact:

This bill recreates the Elevator Safety Technical Advisory Committee, but would increase the membership of the committee. According to the division, the cost of the per diem travel would be minimal and absorbed in the existing budget.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 1 of the bill is substantially similar to section 4 of the CS for SB 494 by the Regulated Industries Committee and Senator Bennett, section 1 of SB 680 by Senator Smith, and section 8 of SB 520 by Senator Constantine.

Section 2 of the bill is substantially similar to section 1 of the CS for SB 494 by the Regulated Industries Committee and Senator Bennett, and section 1 of SB 520 by Senator Constantine.

VIII. Amendments:

None.