

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

316-2028-04

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          under certain circumstances; creating s.  
25          399.1061, F.S.; creating the Elevator Safety  
26          Technical Advisory Council within the Division  
27          of Hotels and Restaurants of the Department of  
28          Business and Professional Regulation; providing  
29          for the membership of the council; requiring  
30          the council to provide technical assistance to  
31          the division; providing for appointments and

1 terms of office; providing for payment of per  
2 diem and travel expenses; amending s. 399.13,  
3 F.S.; authorizing a county or municipality to  
4 assess a reasonable fee for inspections  
5 performed by its inspectors; requiring counties  
6 to enforce the Florida Building Code as it  
7 relates to elevators; authorizing a county to  
8 impose certain fees and fines; prohibiting a  
9 county or municipality from taking disciplinary  
10 action against certain certifications or  
11 registrations; authorizing the Department of  
12 Business and Professional Regulation to  
13 initiate disciplinary action against a  
14 registration or certification at the request of  
15 a county or municipality; repealing s. 399.106,  
16 F.S., relating to the former Elevator Safety  
17 Technical Advisory Committee; providing a  
18 finding of important state interest; providing  
19 effective dates.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Regional emergency elevator access.--  
24 (1) In order to provide emergency access to elevators:  
25 (a) For each building in this state which is six or  
26 more stories in height, including, but not limited to, hotels  
27 and condominiums, on which construction is begun after June  
28 30, 2004, all of the keys for elevators that allow public  
29 access, including, but not limited to, service and freight  
30 elevators, must be keyed so as to allow all elevators within

31

1 each of the seven state emergency response regions to operate  
2 in fire emergency situations with one master elevator key.

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

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

10 (3) In addition to elevator owners, owner's agents,  
11 elevator contractors, state-certified inspectors, and state  
12 agency representatives, master elevator keys may be issued  
13 only to the fire department and may not be issued to any other  
14 emergency response agency. A person may not duplicate a master  
15 elevator key for issuance to, or issue such a key to, anyone  
16 other than authorized fire department personnel. Each master  
17 elevator key must be marked "DO NOT DUPLICATE."

18 (4) If it is technically, financially, or physically  
19 impossible to bring a building into compliance with this  
20 section, the local fire marshal may allow substitute emergency  
21 measures that will provide reasonable emergency elevator  
22 access. The local fire marshal's decision regarding substitute  
23 measures may be appealed to the State Fire Marshal.

24 (5) The Division of State Fire Marshal of the  
25 Department of Financial Services shall enforce this section.  
26 Any person who fails to comply with the requirements of this  
27 section is subject to an administrative fine of not more than  
28 \$1,000, in addition to any other penalty provided by law. All  
29 administrative fines shall be deposited into the Insurance  
30 Regulatory Trust Fund.

31

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

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

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

11           399.03 Design, installation, and alteration of  
12 conveyances.--

13           (1) A conveyance covered by this chapter may not be  
14 erected, constructed, installed, or altered within buildings  
15 or structures until a permit has been obtained from the  
16 department. Permits must be applied for by a registered  
17 elevator company and may only be granted upon receipt and  
18 approval of an application to be made on a form prescribed by  
19 the department, accompanied by proper fees and a sworn  
20 statement from an agent of the registered elevator company  
21 that the plans meet all applicable elevator safety and  
22 building codes. Permits may be granted only to registered  
23 elevator companies in good standing. When any material  
24 alteration is made, the alteration must conform to applicable  
25 requirements of the Florida Building Code and the provisions  
26 of this chapter. A copy of the permit and plans must be kept  
27 at the construction site at all times while the work is in  
28 progress and until a certificate of operation is issued. A  
29 permit shall not be required for construction or repair of  
30 elevators in seeking to attain compliance with emergency  
31 elevator access requirements. Elevator owners shall forward to

1 the department, in an electronic format approved by the  
2 department, an emergency access notification that compliance  
3 measures are either not required or are being implemented. The  
4 emergency access notification must also contain specific  
5 compliance information, including the current compliance  
6 status, specific measures required to attain compliance, and  
7 certification by a state-certified inspector. Fees may not be  
8 assessed for the filing of the emergency access notification.  
9 The department shall maintain an emergency elevator access  
10 registry that is available to the State Fire Marshal of the  
11 Department of Financial Services for enforcement purposes. The  
12 Department of Business and Professional Regulation shall adopt  
13 rules to administer this section.

14           Section 3. Section 399.1061, Florida Statutes, is  
15 created to read:

16           399.1061 Elevator Safety Technical Advisory Council.--

17           (1) The Elevator Safety Technical Advisory Council is  
18 created within the division and shall consist of eight members  
19 appointed by the secretary of the department who meet the  
20 following criteria: one representative from a major elevator  
21 manufacturing company or its authorized representative; one  
22 representative from an elevator servicing company; one  
23 representative from a building design profession; one  
24 representative of the general public; one representative of a  
25 local government in this state; one representative of a  
26 building owner or manager; one representative of labor  
27 involved in the installation, maintenance, and repair of  
28 elevators; and one representative who is a certified elevator  
29 inspector from a private inspection service. The council shall  
30 provide technical assistance to the division in support of  
31 protecting the health, safety, and welfare of the public and

1 shall give the division the benefit of the council members'  
2 knowledge and experience concerning the industries and  
3 individual businesses affected by the laws and rules  
4 administered by the division.

5 (2)(a) The council members shall serve 4-year terms,  
6 except that to provide for staggered terms four of the initial  
7 appointees, as specified by rule, shall serve 2-year terms.  
8 All subsequent appointments shall be for 4-year terms. The  
9 council shall appoint one of the members to serve as chair.

10 (b) The council members shall serve without  
11 compensation, except that the members may be reimbursed for  
12 per diem and travel expenses as provided in s. 112.061.

13 (3) The council may consult with engineering  
14 authorities and organizations concerned with standard safety  
15 codes for recommendations to the department regarding rules  
16 for the operation, maintenance, servicing, construction,  
17 alteration, installation, or inspection of vertical  
18 conveyances subject to this chapter.

19 Section 4. Section 399.13, Florida Statutes, is  
20 amended to read:

21 399.13 Delegation of authority to municipalities or  
22 counties.--

23 (1) The department may enter into contracts with  
24 municipalities or counties under which the ~~such~~ municipalities  
25 or counties will issue construction permits and certificates  
26 of operation; will provide for inspection of elevators,  
27 including temporary operation inspections; and will enforce  
28 the applicable provisions of the Florida Building Code, as  
29 required by this chapter. The municipality or county may  
30 choose to require inspections ~~to~~ be performed by its own  
31 inspectors or by private certified elevator inspectors. The

1 municipality or county may assess a reasonable fee for  
2 inspections performed by its inspectors.Each ~~such~~ agreement  
3 shall include a provision that the municipality or county  
4 shall maintain for inspection by the department copies of all  
5 applications for permits issued, a copy of each inspection  
6 report issued, and proper records showing the number of  
7 certificates of operation issued; shall include a provision  
8 that each required inspection be conducted by a certified  
9 elevator inspector; and may include ~~such~~ other provisions as  
10 the department deems necessary. The county shall enforce the  
11 Florida Building Code as it applies to this chapter and may  
12 impose fees and assess and collect fines as part of its  
13 enforcement activities. A county or municipality may not issue  
14 or take disciplinary action against a certificate of  
15 competency, an elevator inspector certification, an elevator  
16 technician certification, or an elevator company registration.  
17 However, the department may initiate disciplinary action  
18 against a registration or certification at the request of a  
19 county or municipality.

20 (2) The department may make inspections of elevators  
21 in the ~~such~~ municipality or county for the purpose of  
22 determining that the provisions of this chapter are being met  
23 and may cancel the contract with any municipality or county  
24 that ~~which~~ the department finds has failed to comply with the  
25 ~~such~~ contract or ~~the provisions of~~ this chapter. The  
26 amendments to chapter 399 by this act shall apply only to the  
27 installation, relocation, or alteration of an elevator for  
28 which a permit has been issued after October 1, 1990.

29 Section 5. Section 399.106, Florida Statutes, is  
30 repealed.

31

1           Section 6. The Legislature finds that the provisions  
2 of this act fulfill an important state interest.

3           Section 7. This act shall take effect upon becoming a  
4 law, except that section 1 of this act, which provides for  
5 regional emergency elevator access, shall take effect October  
6 1, 2004.

7  
8                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
9                           COMMITTEE SUBSTITUTE FOR  
10                           CS for CS for SB's 672 and 680

11 The CS differs from the bill as filed in that it:

- 12           -Exempts elevator owners from the DBPR  
13           permitting requirements when keying or  
14           retrofitting elevators with master keys;  
15           -Corrects technical deficiencies in the  
16           provision reinstating the Elevator Safety  
17           Technical Advisory Committee, re-designating  
18           the committee as a council and authorizing the  
19           governor to re-appoint council members;  
20           -Amends s. 399.13(1), F.S., to clarify that  
21           cities or counties may asses a reasonable fee  
22           when their inspectors perform elevator  
23           inspections;  
24           -Changes the penalty provisions, from criminal  
25           to administrative, for violations of the  
26           requirements relating to emergency elevator  
27           access; and  
28           -Includes a statement of "important state  
29           interest" to ensure compliance with the  
30           constitutional mandates restriction.  
31