

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/CS/SB 574

SPONSOR: Comprehensive Planning Committee, Regulated Industries Committee and Senator Constantine

SUBJECT: Fla. Building Code/Elevators

DATE: April 21, 2003 REVISED: _____

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

I. Summary:

This CS provides that each building with six or more stories on which construction is begun after June 30, 2003, or each building with six or more stories substantially renovated after June 30, 2003, must be keyed with one master key to allow emergency elevator access in fire emergency situations. In addition, before July 1, 2006, all existing buildings with six or more stories must be keyed with one master key to allow emergency elevator access in fire emergency situations.

This bill amends ss. 399.106 and 633.171, of the Florida Statutes, and creates an unnumbered section of the Florida Statutes.

II. Present Situation:

Universal Keys for Elevators

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

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 State 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 are promulgated in concert with the Florida Building Commission.

Elevator Safety Technical Advisory Committee

Section 399.106, F.S., provides for the establishment of an Elevator Safety Technical Advisory Committee within the Department of Business and Professional Regulation (DBPR), Division of Hotels and Restaurants. The committee consists of seven members, appointed by the secretary of the DBPR, with one representative from the following:

- A major elevator manufacturing company or its authorized representative;
- An elevator servicing company;
- A building design profession;
- From the general public;
- A local government in this state;
- A building owner or manager; and
- From labor involved in the installation, maintenance, and repair of elevators.

Pyrotechnic Devises

Section 633.0215, F.S., requires the State Fire Marshal to adopt, by rule, the Florida Fire Prevention Code. The code must contain the most recent editions of National Fire Prevention Association Standard 1 and the Life Safety Code, Pamphlet 101. These provisions in the rule contain standards for use of pyrotechnics ‘proximate’ to the audience – or in front of or in an enclosed area, such as a building. To use such pyrotechnics, the rule requires that persons must obtain a permit from the state or local fire marshal. In most cases, a fire marshal must also be present when these pyrotechnics are used. The penalty for using pyrotechnics without obtaining a permit is a misdemeanor.

III. Effect of Proposed Changes:

Section 1 creates an unnumbered section of Florida Law to require that each building with six or more stories on which construction is begun after June 30, 2003, or each building with six or more stories substantially renovated after June 30, 2003, must be keyed with one master key for elevators. Compliance for existing buildings six or more stories is required by July 1, 2006. However, any building operated by an independent special district or airport that has 24-hour emergency response services is exempt from these requirements.

This master key must provide emergency elevator access to all elevators in each of the seven state emergency response regions. 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 key may not be duplicated for anyone other than authorized fire-department personnel.

Local fire marshals are authorized to allow substitute emergency measures for buildings which technically or physically cannot comply with the provisions of the section. The bill also gives the Division of the State Fire Marshal authority to enforce the provisions of the section.

Section 2 amends s. 399.106, F.S., to add a member to the Elevator Safety Technical Advisory Committee. This new member must be a representative who is a certified elevator inspector from a private inspection service.

In addition, this section deletes obsolete language of the meeting dates for the committee.

Section 3 amends s. 633.171, F.S., to establish a penalty for use of pyrotechnic devices in an indoor facility without a fire-suppression system or without a permit from the local fire marshal.

Section 4 provides that the act will take effect July 1, 2003.

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. Preliminary estimates indicate it may cost \$300 per elevator.

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.

C. Government Sector Impact:

None

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
