

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 1289 Elevators

SPONSOR(S): Regulatory Affairs Committee; Business & Professions Subcommittee; Steube

TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/CS/SB 1602

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Professions Subcommittee	13 Y, 0 N, As CS	Whittier	Anstead
2) Government Operations Appropriations Subcommittee	9 Y, 0 N	White	Topp
3) Regulatory Affairs Committee	13 Y, 0 N, As CS	Whittier	Hamon

SUMMARY ANALYSIS

This bill creates s. 399.031, F.S., the "Maxwell Erik 'Max' Grablin Act," to provide requirements for new elevators in private residences.

The bill provides specific measurements for clearances and requires specified force amounts for doors and gates of elevators within private residences.

The bill also provides that the underside of the platform of an elevator car is required to be equipped with a device that, if the platform of the elevator car is obstructed anywhere on its underside in its downward travel, interrupts the electric power to the driving machine motor and brake and stops the elevator car's downward motion within two inches. The downward motion can only be resumed after the elevator has been manually reset.

The bill directs the Florida Building Commission to adopt the Act's provisions into the Florida Building Code by October 1, 2016.

There is no fiscal impact on state government. Local governments will enforce the provisions of the bill while conducting building inspections, so no fiscal impact is anticipated on local governments.

The bill provides an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Relevant Residential Elevator Requirements

Chapter 399, F.S., Elevator Safety, is enforced by the Division of Hotels and Restaurants within the Department of Business and Professional Regulation. Section 399.02(3)(u), F.S., lists elevators located in private residences as equipment not covered by the chapter.

The Florida Building Code, Residential (Code) provides the requirements for “the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height... .”¹ The Code provides that private residence elevators shall comply with American Society of Mechanical Engineers (ASME) requirements.²

ASME develops and maintains major codes addressing safety in design, construction, installation, operation, inspection, testing, maintenance, alteration, and repair of elevators, dumbwaiters, escalators, moving walks, material lifts, and dumbwaiters with automatic transfer devices, wheelchair lifts, or inclined-stairway chair lifts.³

With regard to private residence elevator hoistway doors or gates,⁴ the ASME requires the following:

The clearance between the hoistway doors or gates and the hoistway edge of the landing sill shall not exceed 75 mm (3 inches). The distance between the hoistway face of the landing door or gate and the car door or gate shall not exceed 125 mm (5 inches).⁵

Residential Elevator Accidents

In the last few years, the media has reported several private residential elevator accidents involving children.⁶ A major concern is that many residential elevators have a dangerous gap between the elevator and hoistway door allowing children as old as 12 to fit between them. When the elevator is called to another floor, the hoistway door automatically locks, and the child’s body is carried along with the elevator car, often crushing the child, leading to death or permanent injuries.⁷

¹ Section R101.2 of the 2014 Florida Building Code, Residential.

² Section R321.1 of the 2014 Florida Building Code, Residential.

³ American Society of Mechanical Engineers, <https://www.asme.org/about-asme/standards/safety-codes-for-elevators-and-escalators> (last visited Jan. 24, 2016).

⁴ A hoistway door or gate is the door between an elevator shaft or hoistway and the floor landing and is normally closed except when the elevator is stopped at the floor for passengers or freight.

⁵ Section 5.3.1.7.2 of ASME A17.1-2007/CSA B44-07.

⁶ See The Safety Institute, *Safety Advocates Petition CPSC for Mandatory Residential Elevator Standard Citing Numerous at Deaths* <http://www.thesafetyinstitute.org/safety-advocates-petition-cpsc-for-mandatory-residential-elevator-standard-citing-numerous-deaths/> (last visited Jan. 25, 2016), and CBS News, *In-home elevator accidents causing catastrophic harm to kids* at <http://www.cbsnews.com/news/in-home-elevator-accidents-causing-catastrophic-harm-to-kids/> (last visited Jan. 25, 2016).

⁷ The Safety Institute, *Safety Advocates Petition CPSC for Mandatory Residential Elevator Standard Citing Numerous at Deaths* <http://www.thesafetyinstitute.org/safety-advocates-petition-cpsc-for-mandatory-residential-elevator-standard-citing-numerous-deaths/> (last visited Jan. 25, 2016)

In November 2014, safety advocates filed a petition with the U.S. Consumer Product Safety Commission requesting mandatory safety standards for the design and installation of residential elevators to eliminate excessive space between the elevator car door/gate (interior door) and the hoistway or swing door (exterior door).⁸ The Miami Herald reports that, “Elevator deaths are not common - incidents involving both elevators and escalators kill about 30 people every year and seriously injure about 17,000 people a year, according to the U.S. Bureau of Labor Statistics and the Consumer Product Safety Commission. The two major causes of death are falls and being caught between moving parts... .”

Most recently, in January 2015, 12-year-old Maxwell Erik “Max” Grablin crawled into the elevator shaft in his home in Bradenton to find his pet hamster. The hoistway door to the elevator locked behind him, trapping him below the elevator. The elevator, having no sensor to detect that something was in the shaft, was lowered and crushed him.⁹

Effects of Proposed Changes

This bill creates s. 399.031, F.S., the “Maxwell Erik ‘Max’ Grablin Act,” to provide requirements for new elevators in private residences.

The bill provides specific measurements for clearances and requires specified force amounts for doors and gates of elevators within private residences.

The bill also provides that the underside of the platform of an elevator car is required to be equipped with a device that, if the platform of the elevator car is obstructed anywhere on its underside in its downward travel, interrupts the electric power to the driving machine motor and brake and stops the elevator car’s downward motion within two inches. The downward motion can only be resumed after the elevator has been manually reset.

The bill directs the Florida Building Commission to adopt the Act’s provisions into the Florida Building Code by October 1, 2016.

B. SECTION DIRECTORY:

Section 1. Creates s. 399.031, F.S., relating to elevators within private residences. Provides clearance requirements for new elevators installed in private residences; requires certain doors and gates to withstand a specified amount of force; requires certain doors to reject a sphere of a specified size under certain circumstances; and requires all such elevators to be equipped with a certain device.

Section 2. Directs the Florida Building Commission to adopt the provisions of the act into the Florida Building Code by October 1, 2016.

Section 2. Provides an effective date of July 1, 2016.

⁸ Petition for Recall to Repair/Retrofit and Rulemaking by petitioners The Safety Institute, Carol Pollack-Nelson, Ph.D., and Cash, Krugler and Fredricks, L.L.C., filed with the United States Consumer Products Safety Commission on Nov. 13, 2014. A copy of the petition is available at: <http://www.regulations.gov/#!documentDetail;D=CPSC-2015-0001-0002> (last visited Jan. 25, 2016).

⁹ Irby, Kate, *After Florida boy suffocates in elevator shaft chasing pet hamster, his parents on safety mission*, The Miami Herald, Jan. 18, 2016 at <http://www.miamiherald.com/news/state/florida/article55252190.html> (last visited Jan. 25, 2016).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See *Fiscal Comments*.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Homeowners will incur indeterminate costs of complying with the new provisions when installing new residential elevators.

D. FISCAL COMMENTS:

Residential elevators are not regulated by DBPR, so there is no fiscal impact to the state.¹⁰ Local governments will enforce the provisions of the bill while conducting building inspections, so no fiscal impact is anticipated on local governments.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Chapter 399, F.S., Elevator Safety, is enforced by the Division of Hotels and Restaurants within DBPR. This chapter currently does not apply to elevators within private residences.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 26, 2016, the Business & Professions Subcommittee considered and adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

¹⁰ Department of Business and Professional Regulation Bill Analysis of CS/CS/SB 1602, Feb. 11, 2016.

- Provides specific clearances for several types of elevators that may be found in private residences;
- More precisely describes the action that the device on the platform of the elevator car is supposed to perform with regard to stopping the elevator car's downward motion;
- Removes the retroactive provision; and
- Makes technical changes with regard to terms and definitions.

On February 25, 2016, the Regulatory Affairs Committee adopted one amendment and reported the bill favorably as a committee substitute. The amendment directs the Florida Building Commission to adopt the Act's provisions into the Florida Building Code by October 1, 2016.

This analysis is drafted to the committee substitute as passed by the Regulatory Affairs Committee.