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Bill No. CS/HB 1255

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Diaz-Balart offered the following:

**Amendment to Amendment (254301) (with title amendment)**

On page 4, line 19, through page 5, line 24,  
remove from the amendment: all of said lines,  
and insert in lieu thereof:

Section 4. Section 399.001, Florida Statutes, is  
created to read:

399.001 Short title and purpose.--This chapter may be  
cited as the "Elevator Safety Act." The purpose of this  
chapter is to provide for the safety of life and limb and to  
promote public safety awareness. The use of unsafe and  
defective lifting devices imposes a substantial probability of  
serious and preventable injury and exposes employees and the  
public to unsafe conditions. The prevention of these injuries  
and the protection of employees and the public from unsafe  
conditions is in the best interest of the public. Elevator  
personnel performing work covered by the Florida Building Code  
must possess documented training or experience or both and be  
familiar with the operation and safety functions of the

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1 components and equipment. Training and experience includes,  
2 but is not limited to, recognizing the safety hazards and  
3 performing the procedures to which they are assigned in  
4 conformance with the requirements of the Florida Building  
5 Code. This chapter establishes the minimum standards for  
6 elevator personnel.

7 Section 5. Section 399.01, Florida Statutes, is  
8 amended to read:

9 399.01 Definitions.--As used in this chapter, the  
10 term:

11 (1) "Alteration" means any change or addition to the  
12 vertical conveyance equipment other than maintenance, repair,  
13 or replacement.

14 (2) "Certificate of competency" means a document  
15 issued by the division which evidences the competency of a  
16 person to construct, install, inspect, maintain, or repair any  
17 vertical conveyance elevator.

18 (3) "Certificate of operation" means a document issued  
19 by the department which indicates that the conveyance has had  
20 the required safety inspection and tests and that fees have  
21 been paid as provided in this chapter.

22 (4) "Conveyance" means an elevator, dumbwaiter,  
23 escalator, moving sidewalk, platform lift, and stairway  
24 chairlift.

25 (5) "Department" means the Department of Business and  
26 Professional Regulation.~~that authorizes an elevator owner to~~  
27 ~~operate the elevator and that is issued to the elevator owner~~  
28 ~~when the division finds that the elevator complies with the~~  
29 ~~requirements of this chapter.~~

30 (6)~~(4)~~ "Division" means the Division of Hotels and  
31 Restaurants of the Department of Business and Professional

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1 Regulation.

2 (7)(5) "Elevator" means one of the following  
3 mechanical devices:

4 (a) A hoisting and lowering mechanism, equipped with a  
5 car and platform that moves in guide rails and serves two or  
6 more landings to transport material or passengers or both.

7 (b) An escalator, which is a power-driven, inclined  
8 continuous stairway used for raising or lowering passengers.

9 (c) A dumbwaiter, which is a hoisting and lowering  
10 mechanism equipped with a car of limited size which moves in  
11 guide rails and serves two or more landings.

12 (d) A moving walk, which is a type of  
13 passenger-carrying device on which passengers stand or walk  
14 and in which the passenger-carrying surface remains parallel  
15 to its direction of motion and is uninterrupted.

16 (e) An inclined stairway chairlift, which is a device  
17 used to transport physically handicapped persons over  
18 architectural barriers.

19 (f) An inclined or vertical wheelchair lift, which is  
20 a device used to transport wheelchair handicapped persons over  
21 architectural barriers.

22 (8) "Escalator" means an installation defined as an  
23 escalator in the Florida Building Code.

24 (9) "Existing installation" means an installation  
25 defined as an "installation, existing" in the Florida Building  
26 Code.

27 (10) "Elevator Safety Technical Advisory Committee"  
28 means the committee appointed by the secretary of the  
29 Department of Business and Professional Regulation.

30 (11) "Private residence" means a separate dwelling or  
31 a separate apartment in a multiple dwelling which is occupied

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1 by members of a single-family unit.

2 ~~(6) "Elevator company" means any person that~~  
3 ~~constructs, installs, inspects, maintains, or repairs any~~  
4 ~~elevator.~~

5 (12)(7) "Service maintenance contract" means a  
6 contract that provides for routine examination, lubrication,  
7 cleaning, adjustment, replacement of parts, and performance of  
8 applicable code-required safety tests such as on a traction  
9 elevator and annual relief pressure test on a hydraulic  
10 elevator and any other service, repair, and maintenance  
11 sufficient to ensure the safe operation of the elevator.

12 (13) "Temporarily dormant conveyance" means a  
13 conveyance whose power supply has been disconnected by  
14 removing fuses and placing a padlock on the mainline  
15 disconnect switch in the "OFF" position. The car is parked and  
16 the hoistway doors are in the closed and latched position. A  
17 wire seal is installed on the mainline disconnect switch by a  
18 certificate of competency elevator inspector. This  
19 installation may not be used again until it has been put in  
20 safe running order and is in condition for use. Annual  
21 inspections shall continue for the duration of the temporarily  
22 dormant status by a certificate of competency elevator  
23 inspector. The temporarily dormant status is renewable on an  
24 annual basis and may not exceed a 5-year period. The inspector  
25 shall file a report with the chief elevator inspector  
26 describing the current conditions. The wire seal and padlock  
27 may not be removed for any purpose without permission from the  
28 elevator inspector.

29 (14) "Temporary operation permit" means a document  
30 issued by the department which permits the temporary use of a  
31 noncompliant vertical conveyance as provided by rule.

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1           (15) "Registered elevator company" means an entity  
2 registered with and authorized by the division employing  
3 persons to construct, install, inspect, maintain, or repair  
4 any vertical conveyance. Each registered elevator company must  
5 annually register with the division and maintain general  
6 liability insurance coverage in the minimum amounts set by the  
7 division.

8           (16) "Certified elevator inspector" is a natural  
9 person registered with and authorized by the division to  
10 construct, install, inspect, maintain, or repair any vertical  
11 conveyance, after having properly acquired the qualified  
12 elevator inspector credential from the National Association of  
13 Elevator Safety Authorities. Such person shall remain so  
14 authorized by the division only upon providing annual proof of  
15 completion of 8 hours of continuing education and the  
16 qualified elevator inspector credential remains in good  
17 standing with the National Association of Elevator Safety  
18 Authorities. A licensed mechanical engineer whose license is  
19 in good standing may be authorized as a certified elevator  
20 inspector by the division. Each certified elevator inspector  
21 must annually register with the division and maintain general  
22 liability insurance coverage in the minimum amounts set by the  
23 division.

24           (17) "Certified elevator technician" means a natural  
25 person authorized by the division to construct, install,  
26 maintain, or repair any vertical conveyance, after having been  
27 issued an elevator certificate of competency by the division.  
28 Each certified elevator technician must annually register with  
29 the division and maintain general liability insurance coverage  
30 in the minimum amounts set by the division.

31           (18) "Elevator helper" means a natural person

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1 performing work under the direct supervision of a certified  
2 elevator inspector or an elevator technician to construct,  
3 install, maintain, or repair any vertical conveyance.

4 (19) "Elevator certificate of competency" means a  
5 credential issued by the division to any individual natural  
6 person successfully completing an examination as prescribed by  
7 rule and paying a fee of \$50. Such credential shall be valid  
8 for and expire at the end of 1 year, and may be renewed by the  
9 division when the division receives proof of the elevator  
10 certificate of competency holder's completion of 8 hours of  
11 continuing education and a renewal fee of \$50.

12  
13 All other building transportation terms are defined in the  
14 current Florida Building Code.

15 Section 6. Section 399.02, Florida Statutes, is  
16 amended to read:

17 399.02 General requirements.--

18 (1) The Elevator Safety Technical Advisory Committee  
19 division shall develop and submit to the Director of Hotels  
20 and Restaurants regarding revisions to the elevator safety  
21 code so that it is the same as or similar to the latest  
22 versions of ASME A17.1, ASME A17.3, and ASME A18.1. Florida  
23 Building Commission for consideration an elevator safety code,  
24 which, when adopted within the Florida Building Code, applies  
25 to the installation, relocation, or alteration of an elevator  
26 for which a permit has been issued after October 1, 1990, and  
27 which must be the same as or similar to the latest revision of  
28 "The Safety Code for Elevators and Escalators ASME A17.1."

29 (2) This chapter covers the design, construction,  
30 operation, inspection, testing, maintenance, alteration, and  
31 repair of the following equipment and its associated parts and

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1 hoistways:

2 (a) Hoisting and lowering mechanisms equipped with a  
3 car or platform which move between two or more landings. This  
4 equipment includes, but is not limited to, elevators, platform  
5 lifts, and stairway chairlifts.

6 (b) Power-driven stairways and walkways for carrying  
7 persons between landings. This equipment includes, but is not  
8 limited to, escalators and moving walks.

9 (c) Hoisting and lowering mechanisms equipped with a  
10 car which serves two or more landings and is restricted to the  
11 carrying of material by its limited size or limited access to  
12 the car. This equipment includes, but is not limited to,  
13 dumbwaiters, material lifts, and dumbwaiters with  
14 automatic-transfer devices.

15 (3) Equipment not covered by this chapter includes,  
16 but is not limited to:

17 (a) Personnel hoists and material hoists within the  
18 scope of ASME A10, as adopted by the Florida Building Code.

19 (b) Man lifts within the scope of ASME A90.1, as  
20 adopted by the Florida Building Code.

21 (c) Mobile scaffolds, towers, and platforms within the  
22 scope of ANSI A92, as adopted by the Florida Building Code.

23 (d) Powered platforms and equipment for exterior and  
24 interior maintenance within the scope of ASME A120.1, as  
25 adopted by the Florida Building Code.

26 (e) Conveyors and related equipment within the scope  
27 of ASME B20.1, as adopted by the Florida Building Code.

28 (f) Cranes, derricks, hoists, hooks, jacks, and slings  
29 within the scope of ASME B30, as adopted by the Florida  
30 Building Code.

31 (g) Industrial trucks within the scope of ASME B56, as

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1 adopted by the Florida Building Code.

2 (h) Portable equipment, except for portable escalators  
3 that are covered by the Florida Building Code.

4 (i) Tiered or piling machines used to move materials  
5 to and from storage located and operating entirely within one  
6 story.

7 (j) Equipment for feeding or positioning materials at  
8 machine tools and printing presses.

9 (k) Skip or furnace hoists.

10 (l) Wharf ramps.

11 (m) Railroad car lifts or dumpers.

12 (n) Line jacks, false cars, shafters, moving  
13 platforms, and similar equipment used for installing an  
14 elevator by a contractor licensed in this state.

15 (o) Automated people movers at airports.

16 (p) Elevators in television and radio towers.

17 (q) Hand-operated dumbwaiters.

18 (r) Sewage pump station lifts.

19 (s) Automobile parking lifts.

20 (t) Equipment covered in s. 1.2 of the Elevator Safety  
21 Code.

22 (u) Elevators, inclined stairway chairlifts, and  
23 inclined or vertical wheelchair lifts located in private  
24 residences.

25 ~~(2)(a) The requirements of this chapter apply to~~  
26 ~~equipment covered by s. 1.1 of the Elevator Safety Code.~~

27 ~~(b) The equipment not covered by this chapter~~  
28 ~~includes, but is not limited to, the following: elevators,~~  
29 ~~inclined stairway chairlifts, and inclined or vertical~~  
30 ~~wheelchair lifts located in private residences; elevators in~~  
31 ~~television and radio towers; hand-operated dumbwaiters; sewage~~



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1 ~~pump station lifts; automobile parking lifts; and equipment~~  
2 ~~covered in s. 1.2 of the Elevator Safety Code.~~

3       (4)(3) Each elevator shall have a serial number  
4 assigned by the department ~~division~~ painted on or attached to  
5 the elevator car in plain view and also to the driving  
6 mechanism. This serial number shall be shown on all required  
7 certificates and permits.

8       (5)(4)(a) The construction permitholder is responsible  
9 for the correction of violations and deficiencies until the  
10 elevator has been inspected and a certificate of operation has  
11 been issued by the department ~~division~~. The construction  
12 permitholder is responsible for all tests of new and altered  
13 equipment until the elevator has been inspected and a  
14 certificate of operation has been issued by the department  
15 ~~division~~.

16       (b) The elevator owner is responsible for the safe  
17 operation and proper maintenance of the elevator after it has  
18 been inspected and a certificate of operation has been issued  
19 by the department ~~division~~. The responsibilities of the  
20 elevator owner may be assigned by lease.

21       (c) The elevator owner shall report to the department  
22 ~~division~~ 60 days before the expiration of the certificate of  
23 operation whether there exists a service maintenance contract,  
24 with whom the contract exists, and the details concerning the  
25 provisions and implementation of the contract which the  
26 department ~~division~~ requires. The department ~~division~~ shall  
27 keep the names of companies with whom the contract exists  
28 confidential pursuant to the public records exemption provided  
29 in s. 119.14(4)(b)3. This annual contract report must be made  
30 on forms supplied by the department ~~division~~. The elevator  
31 owner must report any material change in the service

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1 maintenance contract no fewer than 30 days before the  
2 effective date of the change. The department division shall  
3 determine whether the provisions of the service maintenance  
4 contract and its implementation ensure the safe operation of  
5 the elevator.

6 ~~(d) Each elevator company must register and have on  
7 file with the division a certificate of comprehensive general  
8 liability insurance evidencing coverage limits in the minimum  
9 amounts of \$100,000 per person and \$300,000 per occurrence and  
10 the name of at least one employee who holds a current  
11 certificate of competency issued under s. 399.045.~~

12 ~~(6)(5) The department division is empowered to carry  
13 out all of the provisions of this chapter relating to the  
14 inspection and regulation of elevators and to enforce the  
15 provisions of the Florida Building Code ~~which govern elevators  
16 and conveying systems in conducting the inspections authorized  
17 under this part to provide for the protection of the public  
18 health, welfare, and safety.~~~~

19 ~~(7)(6) The Elevator Safety Technical Advisory  
20 Committee division shall annually review the provisions of the  
21 Safety Code for Elevators and Escalators ASME A17.1, ASME  
22 A18.1, or other related model codes and amendments thereto,  
23 concurrent with the update of the Florida Building Code and  
24 recommend to the Florida Building Commission revisions to the  
25 Florida Building Code to maintain the protection of the public  
26 health, safety, and welfare.~~

27 Section 7. Section 399.03, Florida Statutes, is  
28 amended to read:

29 399.03 Design, installation, and alteration of  
30 conveyances elevators.--

31 (1) A conveyance covered by this chapter may not be

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1 erected, constructed, installed, or altered within buildings  
2 or structures unless a permit has been obtained from the  
3 department before the work is commenced. When any material  
4 alteration is made, the device must conform to applicable  
5 requirements of the Florida Building Code for the alteration.  
6 A permit required hereunder may not be issued except to a  
7 person, firm, or corporation holding a current elevator  
8 contractor's license issued under this chapter. A copy of the  
9 permit must be kept at the construction site at all times  
10 while the work is in progress.

11 (2) The department shall provide by rule for permit  
12 application requirements and permit fees.

13 (3) Permits may be revoked for the following reasons:

14 (a) There are any false statements or  
15 misrepresentations as to the material facts in the  
16 application, plans, or specifications on which the permit was  
17 based.

18 (b) The permit was issued in error and not in  
19 accordance with the code or rules.

20 (c) The work detailed under the permit is not being  
21 performed in accordance with the provisions of the  
22 application, plans, or specifications or with the code or  
23 conditions of the permit.

24 (d) The construction permitholder to whom the permit  
25 was issued fails or refuses to comply with a stop work order.

26 (4) A permit expires if:

27 (a) The work authorized by the permit is not commenced  
28 within 6 months after the date of issuance, or within a  
29 shorter period of time as the department may specify at the  
30 time the permit is issued.

31 (b) The work is suspended or abandoned for a period of

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1 60 days, or such shorter period of time as the department may  
2 specify at the time the permit is issued, after the work has  
3 been started. For good cause, the department may allow a  
4 discretionary extension for the foregoing period.

5 (5) All new conveyance installations must be performed  
6 by a person to whom a license to install or service a  
7 conveyance has been issued. Subsequent to installation, the  
8 licensed person, firm, or company must certify compliance with  
9 the applicable sections of this chapter and the Florida  
10 Building Code. Before any vertical conveyance is used, except  
11 those in a private residence it must be inspected by a  
12 licensed inspector not employed or associated with the  
13 elevator construction permitholder and certified as meeting  
14 the safety provisions of the Florida Building Code. Upon  
15 successful inspection, the owner or lessee must apply to the  
16 department for a certificate of operation from the department.  
17 A fee as prescribed in this chapter must be paid for the  
18 certificate of operation. It is the responsibility of the  
19 licensed elevator construction permitholder to complete and  
20 submit a first-time registration for a new installation.  
21 Vertical conveyances, including stairway chairlifts, and  
22 inclined or vertical wheelchair lifts located in private  
23 residences are not required to obtain a certificate of  
24 operation under this chapter.

25 (6) A certificate of operation expires July 31 of each  
26 year and must be renewed prior to continued use of the  
27 conveyance. A certificate of operation must be clearly  
28 displayed on or in each conveyance or in the machine room for  
29 use by and for the benefit of inspectors and code enforcement  
30 personnel. Certificates of operation may only be renewed for  
31 vertical conveyances having a current satisfactory inspection.

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1           (7) The permitholder shall notify the department, in  
 2 writing, at least 7 days before completion of the work and  
 3 shall, in the presence of a licensed elevator inspector not  
 4 associated with or employed by the installing company or  
 5 contractor, subject the newly installed, relocated, or altered  
 6 portions of the elevator to tests required to show that the  
 7 elevator meets the applicable provisions of the Florida  
 8 Building Code.

9           ~~(8)(1)~~ Each elevator shall comply with the edition of  
 10 the Florida Building Code or Elevator Safety Code that was in  
 11 effect at the time of receipt of application for the  
 12 construction permit for the elevator.

13           ~~(9)(2)~~ Each alteration to, or relocation of, an  
 14 elevator shall comply with the edition of the Florida Building  
 15 Code or Elevator Safety Code that was in effect at the time of  
 16 receipt of the application for the construction permit for the  
 17 alteration or relocation.

18           ~~(10)(3)~~ When any change is made in the classification  
 19 of an elevator, the elevator shall comply with all of the  
 20 requirements of the version of the Florida Building Code or  
 21 Elevator Safety Code that were in effect at the time of  
 22 receipt of the application for the construction permit for the  
 23 change in classification.

24           Section 8. Section 399.049, Florida Statutes, is  
 25 created to read:

26           399.049 Certificate of competency.--

27           (1) SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE  
 28 OF COMPETENCY.--The department may suspend or revoke a license  
 29 or certificate of competency issued under this chapter or  
 30 impose an administrative penalty of up to \$1,000 per violation  
 31 upon any licensee or certificateholder who commits any one or

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1 more of the following violations:

2 (a) Any false statement as to a material matter in the  
3 application.

4 (b) Fraud, misrepresentation, or bribery in securing a  
5 license or certificate of competency.

6 (c) Failure to notify the department and the  
7 certificate-of-operation holder of a conveyance covered by  
8 this chapter that is not in compliance with the provisions of  
9 the elevator safety code incorporated into the Florida  
10 Building Code.

11 (d) Violation of any provision of this chapter.

12 (2) DISCIPLINARY ACTION.--Any disciplinary action  
13 taken under this chapter must comply with chapter 120 and any  
14 rules adopted thereunder.

15 Section 9. Section 399.061, Florida Statutes, is  
16 amended to read:

17 399.061 Inspections; correction of deficiencies.--

18 (1)(a) All elevators or other conveyances subject to  
19 this chapter must be annually inspected by a certified  
20 elevator inspector through a third-party inspection service,  
21 or by a municipality or county under contract with the  
22 division, pursuant to s. 399.13. If the elevator or other  
23 conveyance is by a third-party inspection service certified as  
24 a qualified elevator inspector or maintained pursuant to a  
25 service maintenance contract continuously in force, it shall  
26 be inspected at least once every 2 years by a certified  
27 elevator inspector who is not employed by or otherwise  
28 associated with the maintenance company; however, if the  
29 elevator is not an escalator or a dumbwaiter, serves only two  
30 adjacent floors, and is covered by a service maintenance  
31 contract, an inspection is not required so long as the service

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1 contract remains in effect. A statement verifying the  
2 existence, performance, and cancellation of each service  
3 maintenance contract must be filed annually with the division  
4 as prescribed by rule. ~~All elevators covered by a service~~  
5 ~~maintenance contract shall be inspected by a~~  
6 ~~certificate of competency holder at least once every 2 years;~~  
7 ~~however, if the elevator is not an escalator or a dumbwaiter~~  
8 ~~and the elevator serves only two adjacent floors and is~~  
9 ~~covered by a service maintenance contract, no inspection shall~~  
10 ~~be required so long as the service contract remains in effect.~~

11 (b) The division may inspect an elevator whenever  
12 necessary to ensure its safe operation or when a third-party  
13 inspection service is not available for a routine inspection.

14 (2) The division may ~~shall~~ employ state elevator  
15 inspectors to conduct the inspections as required by  
16 subsection (1) and may charge an inspection fee for each  
17 inspection in an amount sufficient to cover the costs of that  
18 inspection, as provided by rule. Each state elevator inspector  
19 shall hold a certificate of competency issued by the division.

20 (3) Whenever the division determines from the results  
21 of any inspection that, in the interest of the public safety,  
22 an elevator is in an unsafe condition, the division may seal  
23 the elevator or order the discontinuance of the use of the  
24 elevator until the division determines by inspection that such  
25 elevator has been satisfactorily repaired or replaced so that  
26 the elevator may be operated in a safe manner.

27 (4) When the division determines that an elevator is  
28 in violation of this chapter, the division may issue an order  
29 to the elevator owner requiring correction of the violation.

30 Section 10. Section 399.07, Florida Statutes, is  
31 amended to read:

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1           399.07 Certificates of operation; temporary operation  
2 permits; fees.--

3           (1)(a) A certificate of operation may not be issued  
4 until the elevator company supervisor signs an affidavit  
5 stating that the elevator company supervisor directly  
6 supervised construction or installation of the elevator.

7           (b) The certificate of operation is valid for a period  
8 of 1 year unless sooner suspended or revoked. The department  
9 ~~division~~ shall by rule adopt a fee schedule for the renewal of  
10 certificates of operation. The renewal period commences on  
11 August 1 of each year.

12           (c) The certificate of operation must be posted in a  
13 conspicuous location on the elevator and must be framed with a  
14 transparent cover.

15           (d) The department ~~division~~ shall charge an annual fee  
16 for issuance of a certificate of operation in amount to be set  
17 by rule. ~~The fee must be set by rule in an amount not to~~  
18 ~~exceed \$100 for an elevator not covered by a service~~  
19 ~~maintenance contract or \$50 for an elevator covered by a~~  
20 ~~service maintenance contract~~. However, a renewal application  
21 for a certificate of operation filed with the department after  
22 expiration date of the certificate must be accompanied by a  
23 delinquency fee of \$50 in addition to the annual renewal fee  
24 and any other fees required by law. The fees must be deposited  
25 into the Hotel and Restaurant Trust Fund.

26           (2)(a) The department ~~division~~ may issue a temporary  
27 operation permit authorizing the temporary use of an elevator  
28 during installation or alteration to an elevator company or  
29 general contractor acting as a general agent of an elevator  
30 company. A temporary operation permit may not be issued until  
31 the elevator has been inspected by a state elevator inspector



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1 and tested under contract load; the hoistway is fully  
2 enclosed; the hoistway doors and interlocks are installed; the  
3 car is completely enclosed, including door or gate and top;  
4 all electrical safety devices are installed and properly  
5 functioning; and terminal stopping equipment is in place for a  
6 safe runby and proper clearance. When a car is provided with  
7 a temporary enclosure, the operating means must be by constant  
8 pressure push-button or lever-type switch. The car may not  
9 exceed the minimum safe operating speed of the elevator, and  
10 the governor tripping speed must be set in accordance with the  
11 operating speed of the elevator.

12 (b) A temporary operation permit must be issued for a  
13 period not to exceed 30 days. The permit may be renewed at  
14 the discretion of the department ~~division~~.

15 (c) When a temporary operation permit is issued, the  
16 permit, together with a notice bearing a statement that the  
17 elevator has not been finally approved by a state elevator  
18 inspector, must be conspicuously posted in the elevator.

19 (d) The department ~~division~~ shall charge a fee, set by  
20 rule in an amount not greater than \$100, for each temporary  
21 operation permit. The fee must be deposited in the Hotel and  
22 Restaurant Trust Fund.

23 (3) The certificate of operation shall contain the  
24 text of s. 823.12, relating to the prohibition against smoking  
25 in elevators.

26 (4) In addition to subsection (3), the designation "NO  
27 SMOKING" along with the international symbol for no smoking  
28 shall be conspicuously displayed within the interior of the  
29 elevator in the plain view of the public.

30 (5) Except as authorized by a temporary operation  
31 permit, the operation or use of any newly installed,

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1 relocated, or altered elevator is prohibited until the  
2 elevator has passed the tests and inspections required by this  
3 chapter and a certificate of operation has been issued.

4 (6) The department ~~division~~ may suspend any  
5 certificate of operation if it finds that the elevator is not  
6 in compliance with this chapter or of rules adopted under this  
7 chapter. The suspension remains in effect until the  
8 department ~~division~~ determines, by inspection, that the  
9 elevator has been brought into compliance.

10 Section 11. Section 399.10, Florida Statutes, is  
11 amended to read:

12 399.10 Enforcement of law.--It shall be the duty of  
13 the department ~~division~~ to enforce the provisions of this  
14 chapter. The department ~~division~~ shall have rulemaking  
15 authority to carry out the provisions of this chapter.

16 Section 12. Section 399.105, Florida Statutes, is  
17 amended to read:

18 399.105 Administrative fines.--

19 (1) Any person who fails to comply with the reporting  
20 requirements of s. 399.02 or with the reasonable requests of  
21 the department ~~division~~ to determine whether the provisions of  
22 a service maintenance contract and its implementation assure  
23 safe elevator operation is subject to an administrative fine  
24 not greater than ~~\$1,000~~\$500 in addition to any other penalty  
25 provided by law.

26 (2) Any person who commences the operation,  
27 installation, relocation, or alteration of any elevator for  
28 which a permit or certificate is required by this chapter  
29 without having obtained from the department ~~division~~ the  
30 permit or certificate is subject to an administrative fine not  
31 greater than ~~\$1,000~~\$500 in addition to any other penalty

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1 provided by law. No fine may be imposed under this subsection  
2 for commencing installation without a construction permit if  
3 such permit is issued within 60 days after the actual  
4 commencement of installation.

5 (3) An elevator owner who continues to operate an  
6 elevator after notice to discontinue its use is subject to an  
7 administrative fine not greater than ~~\$1,000~~<sup>\$500</sup> for each day  
8 the elevator has been operated after the service of the  
9 notice, in addition to any other penalty provided by law.

10 (4) An elevator owner who fails to comply with an  
11 order issued under s. 399.061(4) within 60 days after its  
12 issuance is subject, in addition to any other penalty provided  
13 by law, to an administrative fine set by the department  
14 division in an amount not to exceed ~~\$1,000~~<sup>\$500</sup>.

15 (5) All administrative fines collected shall be  
16 deposited into the Hotel and Restaurant Trust Fund.

17 Section 13. Section 399.106, Florida Statutes, is  
18 created to read:

19 399.106 Elevator Safety Technical Advisory  
20 Committee.--

21 (1) The Elevator Safety Technical Advisory Committee  
22 is created within the Department of Professional Regulation,  
23 Division of Hotel and Restaurants, consisting of seven members  
24 to be appointed by the Secretary of the Department of Business  
25 and Professional Regulation as follows: one representative  
26 from a major elevator manufacturing company or its authorized  
27 representative; one representative from an elevator servicing  
28 company; one representative from a building design profession;  
29 one representative of the general public; one representative  
30 of a local government in this state; one representative of a  
31 building owner or manager; one representative of labor

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1 involved in the installation, maintenance, and repair of  
2 elevators. The purpose of the Committee is to provide  
3 technical assistance to the division in support of protecting  
4 the health, safety, and welfare of the public; to give the  
5 division the benefit of the committee members' knowledge and  
6 experience concerning the industries and individual businesses  
7 affected by the laws and rules administered by the division.

8 (2) The committee members shall serve staggered terms  
9 of 4 years to be set by rule without salary, but may receive  
10 from the state expenses for per diem and travel. The  
11 commission shall appoint one of the members to serve as chair.

12 (3) The committee shall meet and organize not later  
13 than 45 days prior to the convening of the 2002 Legislature.  
14 This committee terminates December 31, 2003.

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

21 Section 14. Section 399.11, Florida Statutes, is  
22 amended to read:

23 399.11 Penalties.--

24 (1) Any person who violates any of the provisions of  
25 this chapter or the rules of the department ~~division~~ is guilty  
26 of a misdemeanor of the second degree, punishable as provided  
27 in s. 775.082 or s. 775.083.

28 (2) Any person who falsely represents himself or  
29 herself as credentialed under this chapter ~~a holder of a~~  
30 ~~certificate of competency issued pursuant to s. 399.045~~ is  
31 guilty of a misdemeanor of the second degree, punishable as

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1 provided in s. 775.082 or s. 775.083.

2 Section 15. Section 399.125, Florida Statutes, is  
3 amended to read:

4 399.125 Reporting of elevator accidents or incidents;  
5 penalties.--Within 5 working days after any accident or  
6 incident occurring in or upon any elevator, the certificate of  
7 operation holder shall report the accident or incident to the  
8 division on a forum prescribed by the division. Failure to  
9 timely file this report is a violation of this chapter and  
10 will subject the certificate of operation holder which  
11 ~~accident results in bodily injury or death to any person and~~  
12 ~~which is presumptively caused by the malfunction of the~~  
13 ~~equipment or misuse by a passenger of the equipment, the~~  
14 ~~elevator owner shall report to the division the date and time~~  
15 ~~of the accident, the location of the elevator involved in the~~  
16 ~~accident, whether there exists a service maintenance contract,~~  
17 ~~and, if so, with whom. Any elevator owner who fails to file~~  
18 ~~such report within 5 working days after an accident is subject~~  
19 ~~to an administrative fine, to be imposed by the division, in~~  
20 ~~an amount not to exceed\$1,000\$500.~~

21 Section 16. Section 399.13, Florida Statutes, is  
22 amended to read:

23 399.13 Delegation of authority to municipalities or  
24 counties.--

25 (1) The department ~~division~~ may enter into contracts  
26 with municipalities or counties under which such  
27 municipalities or counties will issue construction permits,  
28 temporary operation permits, and certificates of operation;  
29 will provide inspection of elevators; and will enforce the  
30 applicable provisions of the Florida Building Code, as  
31 required by this chapter. Each such agreement shall include a

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1 provision that the municipality or county shall maintain for  
 2 inspection by the department ~~division~~ copies of all  
 3 applications for permits issued, a copy of each inspection  
 4 report issued, and proper records showing the number of  
 5 certificates of operation issued; shall include a provision  
 6 that each required inspection be conducted by the holder of a  
 7 certificate of competency issued by the department ~~division~~;  
 8 and may include such other provisions as the department  
 9 ~~division~~ deems necessary.

10 (2) The department ~~division~~ may make inspections of  
 11 elevators in such municipality or county for the purpose of  
 12 determining that the provisions of this chapter are being met  
 13 and may cancel the contract with any municipality or county  
 14 which the department ~~division~~ finds has failed to comply with  
 15 such contract or the provisions of this chapter. The  
 16 amendments to chapter 399 by this act shall apply only to the  
 17 installation, relocation, or alteration of an elevator for  
 18 which a permit has been issued after October 1, 1990.

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=====T I T L E A M E N D M E N T=====

22 And the title is amended as follows:

23 On page 44, lines 7 and 8, of the amendment  
 24 remove: all of said lines,

25

26 and insert in lieu thereof:

27 creating s. 399.001, F.S.; creating the  
 28 "Elevator Safety Act"; amending s. 399.01,  
 29 F.S.; defining terms; amending ss. 399.02,  
 30 399.03, F.S.; providing regulatory standards  
 31 for elevators and similar conveyances;

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1 providing for permits for construction or  
2 alteration of elevators and similar  
3 conveyances; creating s. 399.049, F.S.;  
4 providing for licenses and certificates of  
5 competency; providing for disciplinary action;  
6 amending s. 399.061, F.S.; providing for annual  
7 inspections and fees; amending ss. 399.07,  
8 399.10, 399.105, F.S.; revising administrative  
9 fines and fee-setting procedures; conforming  
10 provisions; creating s. 399.106, F.S.; creating  
11 the Elevator Safety Technical Advisory  
12 Committee; providing for its membership and  
13 authority; amending s. 399.11, 399.125, 399.13,  
14 F.S.; conforming provisions; repealing s.  
15 399.045, F.S., which provides for a certificate  
16 of competency; repealing s. 399.05, F.S., which  
17 provides for construction permits;

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