

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Diaz-Balart offered the following:

Amendment to Amendment (254301) (with title amendment)

On page 43, between lines 18 and 19, of the amendment

insert:

Section 32. Effective May 1, 2002, 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 components and equipment. Training and experience includes,

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

6 Section 33. Effective May 1, 2002, section 399.01,
7 Florida Statutes, is amended to read:

8 399.01 Definitions.--As used in this chapter, the
9 term:

10 ~~(1) "Alteration" means any change or addition to the~~
11 ~~equipment other than maintenance, repair, or replacement.~~

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

16 (1)(3) "Certificate of operation" means a document
17 issued by the department which indicates that the conveyance
18 has had the required safety inspection and tests and that fees
19 have been paid as provided in this chapter.

20 (2) "Conveyance" means an elevator, dumbwaiter,
21 escalator, moving sidewalk, platform lift, stairway chairlift,
22 and automated people mover.

23 (3) "Department" means the Department of Business and
24 Professional Regulation. After May 1, 2002, "department" means
25 the Department of Community Affairs.~~that authorizes an~~
26 ~~elevator owner to operate the elevator and that is issued to~~
27 ~~the elevator owner when the division finds that the elevator~~
28 ~~complies with the requirements of this chapter.~~

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

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1 ~~(4)~~(5) "Elevator" means one of the following
2 mechanical devices:

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

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

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

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

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

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

21 (5) "Elevator contractor" means a person, firm, or
22 corporation that possesses an elevator contractor's license
23 and who is engaged in the business of erecting, constructing,
24 installing, altering, servicing, repairing, or maintaining
25 elevators or related conveyances covered by this chapter.

26 (6) "Elevator helper/apprentice" means a person who
27 works under the general direction of an elevator mechanic with
28 a certificate of competency.

29 (7) "Elevator inspector" means a person, as defined in
30 ASME QEI as an inspector who possesses an elevator inspector's
31 certificate of competency in accordance with this chapter.

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1 (8) "Elevator mechanic" means a person who possesses
2 an elevator mechanic certificate of competency in accordance
3 with this chapter.

4 (9) "Escalator" means an installation defined as an
5 escalator in the Florida Building Code.

6 (10) "Existing installation" means an installation
7 defined as an "installation, existing" in the Florida Building
8 Code.

9 (11) "License or certificate of competency" means a
10 written license or certificate of competency issued by the
11 department authorizing a person, firm, or company to carry on
12 the business of erecting, constructing, installing, altering,
13 servicing, repairing, maintaining, or performing inspections
14 of elevators or related conveyances covered by this chapter.

15 (12) "Elevator contractor's license" means a license
16 that is issued to an elevator contractor who has proven his or
17 her qualifications and ability and has been authorized by the
18 department to possess this type of license. It entitles the
19 holder to engage in the business of erecting, constructing,
20 installing, altering, servicing, testing, repairing, or
21 maintaining elevators or related conveyances covered by this
22 chapter.

23 (13) "Elevator Safety Technical Advisory Committee"
24 means the committee appointed by the Florida Building
25 Commission under s. 399.106.

26 (14) "Inspector certificate of competency" means a
27 certificate of competency that is issued to an ASME QEI
28 certified elevator inspector who has proven his or her
29 qualifications and ability and has been authorized by the
30 department to possess this type of certificate of competency.
31 It entitles the holder to engage in the business of inspecting

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1 elevators or related conveyances covered by this chapter.

2 (15) "Limited elevator contractor's license" means a
3 license that is issued by the department authorizing a person,
4 firm, or company who employs individuals to carry on a
5 business of erecting, constructing, installing, altering,
6 servicing, repairing, or maintaining platform lifts and
7 stairway chairlifts within any building or structure,
8 including private residences.

9 (16) "Elevator mechanic certificate of competency"
10 means a certificate of competency that is issued to a person
11 who has proven his or her qualifications and abilities and has
12 been authorized by the department to work on conveyance
13 equipment. It entitles the holder to install, construct,
14 alter, service, repair, test, maintain, and perform electrical
15 work on elevators or related conveyances covered by this
16 chapter.

17 (17) "Licensee" means a licensed elevator mechanic,
18 elevator contractor, or elevator inspector.

19 (18) "Material alteration" means an alteration as
20 defined in the Florida Building Code.

21 (19) "Moving walk or sidewalk" means an installation
22 as defined in the Florida Building Code.

23 (20) "Private residence" means a separate dwelling or
24 a separate apartment in a multiple dwelling which is occupied
25 by members of a single-family unit.

26 (21) "Repair" means a repair as defined in the
27 referenced standards and does not require a permit.

28 ~~(6) "Elevator company" means any person that~~
29 ~~constructs, installs, inspects, maintains, or repairs any~~
30 ~~elevator.~~

31 (22)~~(7)~~ "Service maintenance contract" means a

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1 contract that provides for routine examination, lubrication,
2 cleaning, adjustment, replacement of parts, and performance of
3 applicable code-required safety tests such as on a traction
4 elevator and annual relief pressure test on a hydraulic
5 elevator and any other service, repair, and maintenance
6 sufficient to ensure the safe operation of the elevator.

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

24 (24) "Temporary operation permit" means a document
25 issued by the department which permits the temporary use of a
26 noncompliant conveyance by the general public for a limited
27 number of days while minor repairs are being completed.

28
29 All other building transportation terms are defined in the
30 current Florida Building Code.

31 Section 34. Effective May 1, 2002, section 399.02,

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1 Florida Statutes, is amended to read:

2 399.02 General requirements.--

3 (1) The Elevator Safety Technical Advisory Committee
4 ~~division~~ shall develop and submit to the Florida Building
5 Commission for consideration an elevator safety code, which,
6 when adopted within the Florida Building Code, applies to the
7 installation, relocation, or alteration of an elevator for
8 which a permit has been issued after October 1, 1990, and
9 which must be the same as or similar to the latest revision of
10 "The Safety Code for Elevators and Escalators ASME A17.1, ASME
11 A17.3, and ASME A18.1."

12 (2) This chapter covers the design, construction,
13 operation, inspection, testing, maintenance, alteration, and
14 repair of the following equipment and its associated parts and
15 hoistways:

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

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

23 (c) Hoisting and lowering mechanisms equipped with a
24 car which serves two or more landings and is restricted to the
25 carrying of material by its limited size or limited access to
26 the car. This equipment includes, but is not limited to,
27 dumbwaiters, material lifts, and dumbwaiters with
28 automatic-transfer devices.

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

31 (a) Personnel hoists and material hoists within the

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- 1 scope of ASME A10, as adopted by the Florida Building Code.
2 (b) Man lifts within the scope of ASME A90.1, as
3 adopted by the Florida Building Code.
4 (c) Mobile scaffolds, towers, and platforms within the
5 scope of ANSI A92, as adopted by the Florida Building Code.
6 (d) Powered platforms and equipment for exterior and
7 interior maintenance within the scope of ASME A120.1, as
8 adopted by the Florida Building Code.
9 (e) Conveyors and related equipment within the scope
10 of ASME B20.1, as adopted by the Florida Building Code.
11 (f) Cranes, derricks, hoists, hooks, jacks, and slings
12 within the scope of ASME B30, as adopted by the Florida
13 Building Code.
14 (g) Industrial trucks within the scope of ASME B56, as
15 adopted by the Florida Building Code.
16 (h) Portable equipment, except for portable escalators
17 that are covered by the Florida Building Code.
18 (i) Tiered or piling machines used to move materials
19 to and from storage located and operating entirely within one
20 story.
21 (j) Equipment for feeding or positioning materials at
22 machine tools and printing presses.
23 (k) Skip or furnace hoists.
24 (l) Wharf ramps.
25 (m) Railroad car lifts or dumpers.
26 (n) Line jacks, false cars, shafters, moving
27 platforms, and similar equipment used for installing an
28 elevator by a contractor licensed in this state.
29 (o) Automated people movers at airports.
30 (p) Elevators in television and radio towers.
31 (q) Hand-operated dumbwaiters.

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1 (r) Sewage pump station lifts.

2 (s) Automobile parking lifts.

3 (t) Equipment covered in s. 1.2 of the Elevator Safety
4 Code.

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

7 ~~(b) The equipment not covered by this chapter~~
8 ~~includes, but is not limited to, the following: elevators,~~
9 ~~inclined stairway chairlifts, and inclined or vertical~~
10 ~~wheelchair lifts located in private residences; elevators in~~
11 ~~television and radio towers; hand-operated dumbwaiters; sewage~~
12 ~~pump station lifts; automobile parking lifts; and equipment~~
13 ~~covered in s. 1.2 of the Elevator Safety Code.~~

14 (4)(3) Each elevator shall have a serial number
15 assigned by the division painted on or attached to the
16 elevator car in plain view and also to the driving mechanism.
17 This serial number shall be shown on all required certificates
18 and permits.

19 (5)(4)(a) The construction permitholder is responsible
20 for the correction of violations and deficiencies until the
21 elevator has been inspected and a certificate of operation has
22 been issued by the department ~~division~~. The construction
23 permitholder is responsible for all tests of new and altered
24 equipment until the elevator has been inspected and a
25 certificate of operation has been issued by the department
26 ~~division~~.

27 (b) The elevator owner is responsible for the safe
28 operation and proper maintenance of the elevator after it has
29 been inspected and a certificate of operation has been issued
30 by the department ~~division~~. The responsibilities of the
31 elevator owner may be assigned by lease.

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1 (c) The elevator owner shall report to the department
2 ~~division~~ 60 days before the expiration of the certificate of
3 operation whether there exists a service maintenance contract,
4 with whom the contract exists, and the details concerning the
5 provisions and implementation of the contract which the
6 department ~~division~~ requires. The department ~~division~~ shall
7 keep the names of companies with whom the contract exists
8 confidential pursuant to the public records exemption provided
9 in s. 119.14(4)(b)3. This annual contract report must be made
10 on forms supplied by the department ~~division~~. The elevator
11 owner must report any material change in the service
12 maintenance contract no fewer than 30 days before the
13 effective date of the change. The department ~~division~~ shall
14 determine whether the provisions of the service maintenance
15 contract and its implementation ensure the safe operation of
16 the elevator.

17 (d) Each elevator company must register and have on
18 file with the department ~~division~~ a certificate of
19 comprehensive general liability insurance evidencing coverage
20 limits in the minimum amounts of \$100,000 per person and
21 \$300,000 per occurrence and the name of at least one employee
22 who holds a current certificate of competency issued under s.
23 399.049 ~~s. 399.045~~.

24 ~~(6)(5)~~ The department ~~division~~ is empowered to carry
25 out all of the provisions of this chapter relating to the
26 inspection and regulation of elevators and to enforce the
27 provisions of the Florida Building Code ~~which govern elevators~~
28 ~~and conveying systems in conducting the inspections authorized~~
29 ~~under this part to provide for the protection of the public~~
30 ~~health, welfare, and safety.~~

31 ~~(7)(6)~~ The Elevator Safety Technical Advisory

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1 Committee division shall annually review the provisions of the
2 Safety Code for Elevators and Escalators ASME A17.1, ASME
3 A18.1, or other related model codes and amendments thereto,
4 concurrent with the update of the Florida Building Code and
5 recommend to the Florida Building Commission revisions to the
6 Florida Building Code to maintain the protection of the public
7 health, safety, and welfare.

8 Section 35. Effective May 1, 2002, section 399.03,
9 Florida Statutes, is amended to read:

10 399.03 Design, installation, and alteration of
11 conveyances elevators.--

12 (1) A conveyance covered by this chapter may not be
13 erected, constructed, installed, or altered within buildings
14 or structures unless a permit has been obtained from the
15 department before the work is commenced. When any material
16 alteration is made, the device must conform to applicable
17 requirements of the Florida Building Code for the alteration.
18 A permit required hereunder may not be issued except to a
19 person, firm, or corporation holding a current elevator
20 contractor's license issued under this chapter. A copy of the
21 permit must be kept at the construction site at all times
22 while the work is in progress.

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

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

26 (a) There are any false statements or
27 misrepresentations as to the material facts in the
28 application, plans, or specifications on which the permit was
29 based.

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

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1 (c) The work detailed under the permit is not being
2 performed in accordance with the provisions of the
3 application, plans, or specifications or with the code or
4 conditions of the permit.

5 (d) The elevator contractor to whom the permit was
6 issued fails or refuses to comply with a stop work order.

7 (4) A permit expires if:

8 (a) The work authorized by the permit is not commenced
9 within 6 months after the date of issuance, or within a
10 shorter period of time as the department may specify at the
11 time the permit is issued.

12 (b) The work is suspended or abandoned for a period of
13 60 days, or such shorter period of time as the department may
14 specify at the time the permit is issued, after the work has
15 been started. For good cause, the department may allow a
16 discretionary extension for the foregoing period.

17 (5) All new conveyance installations must be performed
18 by a person to whom a license to install or service a
19 conveyance has been issued. Subsequent to installation, the
20 licensed person, firm, or company must certify compliance with
21 the applicable sections of this chapter and the Florida
22 Building Code. Before any conveyance is used, it must be
23 inspected by a licensed inspector not employed or associated
24 with the elevator contractor and certified as meeting the
25 safety provisions of the Florida Building Code. Upon
26 successful inspection, the owner or lessee must apply to the
27 department for a certificate of operation from the department.
28 A fee as prescribed in this chapter must be paid for the
29 certificate of operation. It is the responsibility of the
30 licensed elevator contractor to complete and submit a
31 first-time registration for a new installation. Elevators,

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1 including stairway chairlifts, and inclined or vertical
2 wheelchair lifts located in private residences are not
3 required to obtain a certificate of operation under this
4 chapter.

5 (6) A certificate of operation expires July 31 of each
6 year and must be renewed prior to continued use of the
7 conveyance. A certificate of operation must be clearly
8 displayed on or in each conveyance or in the machine room for
9 use by and for the benefit of inspectors and code enforcement
10 personnel.

11 (7) The permitholder shall notify the department, in
12 writing, at least 7 days before completion of the work and
13 shall, in the presence of a licensed elevator inspector not
14 associated with or employed by the installing company or
15 contractor, subject the newly installed, relocated, or altered
16 portions of the elevator to tests required to show that the
17 elevator meets the applicable provisions of the Florida
18 Building Code.

19 (8) The department may grant waivers or variances from
20 the literal requirements of the applicable codes and standards
21 as provided in chapter 120.

22 ~~(1) Each elevator shall comply with the edition of the~~
23 ~~Florida Building Code that was in effect at the time of~~
24 ~~receipt of application for the construction permit for the~~
25 ~~elevator.~~

26 ~~(2) Each alteration to, or relocation of, an elevator~~
27 ~~shall comply with the edition of the Florida Building Code~~
28 ~~that was in effect at the time of receipt of the application~~
29 ~~for the construction permit for the alteration or relocation.~~

30 ~~(3) When any change is made in the classification of~~
31 ~~an elevator, the elevator shall comply with all of the~~

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1 ~~requirements of the version of the Florida Building Code that~~
2 ~~were in effect at the time of receipt of the application for~~
3 ~~the construction permit for the change in classification.~~

4 Section 36. Effective May 1, 2002, section 399.049,
5 Florida Statutes, is created to read:

6 399.049 Certificate of competency.--

7 (1) APPLICATION FOR AN ELEVATOR CONTRACTOR'S LICENSE,
8 LIMITED ACCESS ELEVATOR CONTRACTOR'S, ELEVATOR MECHANIC'S, OR
9 INSPECTOR'S CERTIFICATE OF COMPETENCY.--

10 (a) Any person desiring to engage as an elevator
11 contractor in the business of elevator, dumbwaiter, escalator,
12 moving sidewalks installation, alteration service, replacement
13 or maintenance shall apply for a license with the department
14 on a form provided by the department.

15 (b) Any person desiring to engage as an elevator
16 mechanic in the business of installing, altering, repairing,
17 or servicing an elevator, dumbwaiter, escalator, moving
18 sidewalks installation, alteration, service, replacement, or
19 maintenance shall apply for a certificate of competency with
20 the department on a form provided by the department. The
21 elevator mechanic must work under the direct supervision of a
22 licensed elevator contractor.

23 (c) Any person desiring to engage as an elevator
24 inspector in the business of inspecting an elevator,
25 dumbwaiter, escalator, moving walk, or platform or stairway
26 chairlift shall apply with proof of ASME QEI certification for
27 a certificate of competency with the department on a form to
28 be provided by the department.

29 (d) The applications shall contain information as
30 provided by rule, including, but not limited to, the number of
31 years the applicant has engaged in the business of installing,

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1 inspecting, maintaining, or servicing elevators; satisfactory
2 evidence that the applicant is covered by general liability,
3 personal injury, and property damage insurance, as required by
4 department rule; and any other information the department
5 requires.

6 (2) QUALIFICATIONS OF ELEVATOR MECHANIC.--A

7 certificate of competency may not be granted to any person who
8 has not proven his or her qualifications and abilities as
9 provided by rule, including, but not limited to, the
10 following:

11 (a) An acceptable combination of documented experience
12 and education, including no less than 3 years' work experience
13 in the elevator industry, in construction, maintenance and
14 service, and repair, as verified by current and previous
15 employers licensed to do business in this state and
16 satisfactory completion of a written examination on the most
17 recent referenced codes and standards approved by the
18 department, as provided by rule.

19 (b) Any person who furnishes the department with
20 acceptable proof that he or she has no less than 3 years'
21 experience as an elevator constructor, maintenance, or repair
22 person without direct and immediate supervision for a licensed
23 electrical elevator contractor licensed to do business may be
24 entitled to receive a certificate of competency without an
25 examination upon application and payment of the certificate of
26 competency fee. A person must apply within 1 year after the
27 effective date of this act.

28 (c) A certificate of completion and successful passing
29 of the mechanic examination of a nationally recognized
30 training program for the elevator industry such as the
31 National Elevator Industry Education Program or its

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1 equivalent, or a certificate of completion of an
2 apprenticeship program for elevator mechanics, having
3 standards substantially equal to those in this chapter
4 approved by the department, and registration with the Bureau
5 of Apprenticeship and Training, U.S. Department of Labor, or a
6 state apprenticeship council.

7 (d) A certificate of competency shall be issued upon
8 application without examination to an individual holding a
9 valid certificate from a state having standards substantially
10 equal to those of the elevator safety provisions incorporated
11 into the Florida Building Code. Department procedures for
12 approving these and other state certification shall be adopted
13 by rule.

14 (3) QUALIFICATIONS OF ELEVATOR INSPECTOR.--An
15 inspector's certificate of competency may not be granted to
16 any person, unless he or she proves to the department's
17 satisfaction that he or she meets the current ASME QEI-1,
18 Standards for the Qualifications of Elevator Inspectors.

19 (4) QUALIFICATIONS OF ELEVATOR CONTRACTOR.--A license
20 may not be granted to any person who does not have 5 years
21 work experience in the elevator industry in construction,
22 maintenance, and service or repair, as verified by a current
23 or previous elevator contractor license or satisfactory
24 completion of a written examination on elevator codes and
25 standards adopted by rule of the department and administered
26 by the department or an approved provider. However, a license
27 may be issued to a person holding a valid license from a state
28 having substantially equivalent licensing standards as
29 determined by the department according to rule.

30 (5) ISSUANCE AND RENEWAL OF CERTIFICATES OF
31 COMPETENCY; FEES.--

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1 (a) When the division receives an application it may
2 issue a certificate of competency that is renewable every 4
3 years. The department shall set by rule the fee for a
4 certificate of competency and any renewal thereafter.

5 (b) Whenever a declared emergency exists in the state
6 and the number of persons in the state holding certificates of
7 competency issued by the department is insufficient to cope
8 with the declared emergency, a licensed elevator contractor
9 shall respond as necessary to assure the safety of the public.
10 Any person certified by a licensed elevator contractor to have
11 an acceptable combination of documented experience and
12 education to perform elevator work as defined by department
13 rule shall seek an emergency elevator mechanic certificate of
14 competency from the department within 5 business days after
15 commencing work requiring a certificate of competency. Each
16 emergency certificate of competency is valid for a period of
17 90 days, renewable for three additional 90-day periods, from
18 the date issued and for particular elevators or geographical
19 areas as the department may designate. The department may
20 renew an emergency elevator mechanic certificate of competency
21 during the existence of an emergency. The department may not
22 charge a fee for issuing any emergency elevator mechanic
23 certificate of competency or renewal thereof.

24 (c)1. Except for certificates issued under paragraph
25 (b), the renewal of a certificate of competency issued under
26 this section is conditioned upon the submission of a
27 certificate of completion of a course designed to ensure the
28 continuing education covering new and existing elevator safety
29 provisions of the Florida Building Code. The course must
30 consist of not less than 8 hours of instruction to be attended
31 and completed within 1 year immediately preceding the renewal

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1 of a certificate of competency.

2 2. Continuing education courses shall be taught by
3 instructors through continuing education providers that may
4 include, but are not limited to, association seminars and
5 labor training programs. The department shall have authority
6 to approve the continuing education providers. All instructors
7 shall be approved by the department and are exempt from the
8 requirements of subparagraph 1. with regard to application for
9 certificate of competency renewal if the applicant was an
10 instructor at any time during the 1 year immediately preceding
11 the scheduled date for such renewal.

12 3. A person with a certificate of competency who is
13 unable to complete the continuing education course required
14 under this subsection before the expiration of his or her
15 certificate due to a temporary disability may apply for a
16 waiver from the department on a form that shall be signed
17 under the pains and penalties of perjury and accompanied by a
18 certified statement from a competent physician attesting to
19 the temporary disability. Upon the termination of such
20 temporary disability, such certificateholder shall submit to
21 the department a certified statement from the same physician,
22 if practicable, attesting to the termination of such temporary
23 disability at which time a waiver of the continuing education
24 requirement, valid for 90 days, shall be issued to such
25 certificateholder.

26 4. Approved training providers shall keep uniform
27 records for a period of 4 years of the attendance of certified
28 persons following a format approved by the department and such
29 records shall be available for inspection by the department at
30 its request. Approved training providers shall be responsible
31 for the security of all attendance records and certificates of

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1 completion. However, falsifying or knowingly allowing another
2 to falsify such attendance records or certificates of
3 completion constitutes grounds for suspension or revocation of
4 the approval required under this section.

5 (6) SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE
6 OF COMPETENCY.--The department may suspend or revoke a license
7 or certificate of competency issued under this chapter or
8 impose an administrative penalty of up to \$1,000 per violation
9 upon any licensee or certificateholder who commits any one or
10 more of the following violations:

11 (a) Any false statement as to a material matter in the
12 application.

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

15 (c) Failure to notify the department and the
16 certificate-of-operation holder of a conveyance covered by
17 this chapter that is not in compliance with the provisions of
18 the elevator safety code incorporated into the Florida
19 Building Code.

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

21 (7) DISCIPLINARY ACTION.--Any disciplinary action
22 taken under this chapter must comply with chapter 120 and any
23 rules adopted thereunder.

24 Section 37. Effective May 1, 2002, section 399.061,
25 Florida Statutes, is amended to read:

26 399.061 Inspections; correction of deficiencies.--

27 (1)(a) All conveyances ~~elevators~~ subject to this
28 chapter must be annually inspected by a certified elevator
29 inspector through a private inspection service or by a
30 municipality or county under contract with the department
31 pursuant to s. 399.13 ~~by a third-party inspection service~~

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1 ~~certified as a qualified elevator inspector~~ or maintained
2 pursuant to a service maintenance contract continuously in
3 force. A statement verifying the existence, performance, and
4 cancellation of each service maintenance contract must be
5 filed annually with the department division as prescribed by
6 rule. All elevators covered by a service maintenance contract
7 shall be inspected by a certified elevator inspector
8 ~~certificate of competency holder~~ at least once every 2 years.
9 The owner of any conveyance shall have an elevator mechanic
10 inspect and test the conveyance at the intervals required for
11 compliance with ASME A17.1, and ASME A18.1; however, if the
12 ~~elevator is not an escalator or a dumbwaiter and the elevator~~
13 ~~serves only two adjacent floors and is covered by a service~~
14 ~~maintenance contract, no inspection shall be required so long~~
15 ~~as the service contract remains in effect.~~

16 (b) The department division may inspect an elevator
17 whenever necessary to ensure its safe operation.

18 (2) The department division shall employ state
19 elevator inspectors to conduct the inspections and tests
20 required by subsection (1) and may charge an inspection fee
21 for each inspection sufficient to cover the costs of that
22 inspection, as provided by rule. Each state elevator inspector
23 shall hold a certificate of competency issued by the
24 department division.

25 (3) Whenever the department division determines from
26 the results of any inspection that, in the interest of the
27 public safety, an elevator is in an unsafe condition, the
28 department division may seal the elevator or order the
29 discontinuance of the use of the elevator until the department
30 division determines by inspection that such elevator has been
31 satisfactorily repaired or replaced so that the elevator may

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1 be operated in a safe manner.

2 (4) When the department ~~division~~ determines that an
3 elevator is in violation of this chapter, the department
4 ~~division~~ may issue an order to the elevator owner requiring
5 correction of the violation.

6 Section 38. Effective May 1, 2002, section 399.07,
7 Florida Statutes, is amended to read:

8 399.07 Certificates of operation; temporary operation
9 permits; fees.--

10 (1)(a) A certificate of operation may not be issued
11 until the elevator company supervisor signs an affidavit
12 stating that the elevator company supervisor directly
13 supervised construction or installation of the elevator.

14 (b) The certificate of operation is valid for a period
15 of 1 year unless sooner suspended or revoked. The department
16 ~~division~~ shall by rule adopt a fee schedule for the renewal of
17 certificates of operation. The renewal period commences on
18 August 1 of each year.

19 (c) The certificate of operation must be posted in a
20 conspicuous location on the elevator and must be framed with a
21 transparent cover.

22 (d) The department ~~division~~ shall charge an annual fee
23 for issuance of a certificate of operation. The fee must be
24 set by the department in consultation with the Elevator Safety
25 Technical Advisory Committee and be adopted by rule in an
26 ~~amount not to exceed \$100 for an elevator not covered by a~~
27 ~~service maintenance contract or \$50 for an elevator covered by~~
28 ~~a service maintenance contract.~~ However, a renewal application
29 for a certificate of operation filed with the department after
30 expiration date of the certificate must be accompanied by a
31 delinquency fee of \$50 in addition to the annual renewal fee

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1 and any other fees required by law. The fees must be
2 deposited into the Operating ~~Hotel and Restaurant~~ Trust Fund.

3 (2)(a) The department ~~division~~ may issue a temporary
4 operation permit authorizing the temporary use of an elevator
5 during installation or alteration to an elevator company or
6 general contractor acting as a general agent of an elevator
7 company. A temporary operation permit may not be issued until
8 the elevator has been inspected by a state elevator inspector
9 and tested under contract load; the hoistway is fully
10 enclosed; the hoistway doors and interlocks are installed; the
11 car is completely enclosed, including door or gate and top;
12 all electrical safety devices are installed and properly
13 functioning; and terminal stopping equipment is in place for a
14 safe runby and proper clearance. When a car is provided with
15 a temporary enclosure, the operating means must be by constant
16 pressure push-button or lever-type switch. The car may not
17 exceed the minimum safe operating speed of the elevator, and
18 the governor tripping speed must be set in accordance with the
19 operating speed of the elevator.

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

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

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

31 (3) The certificate of operation shall contain the

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1 text of s. 823.12, relating to the prohibition against smoking
2 in elevators.

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

7 (5) Except as authorized by a temporary operation
8 permit, the operation or use of any newly installed,
9 relocated, or altered elevator is prohibited until the
10 elevator has passed the tests and inspections required by this
11 chapter and a certificate of operation has been issued.

12 (6) The department ~~division~~ may suspend any
13 certificate of operation if it finds that the elevator is not
14 in compliance with this chapter or of rules adopted under this
15 chapter. The suspension remains in effect until the
16 department ~~division~~ determines, by inspection, that the
17 elevator has been brought into compliance.

18 Section 39. Effective May 1, 2002, section 399.10,
19 Florida Statutes, is amended to read:

20 399.10 Enforcement of law.--It shall be the duty of
21 the department ~~division~~ to enforce the provisions of this
22 chapter. The Department, in consultation with the committee
23 shall develop an enforcement program to ensure compliance with
24 the requirements of this chapter. The program must include
25 random on-site inspections and tests on existing installations
26 and periodic inspections and tests of persons who have been
27 issued a license or certificate of competency under this
28 chapter.

29 Any person may request an investigation into an alleged
30 violation of this chapter by giving notice to the department
31 of such violation or danger. The notice must be in writing,

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1 set forth with reasonable particularity the grounds for the
2 notice, and be signed by the person making the request.

3 If upon receipt of such notification the department
4 determines that there are reasonable grounds to believe that a
5 violation or danger exists, the department shall investigate
6 as soon as practicable to determine if a violation or danger
7 exists. If the department determines that there are no
8 reasonable grounds to believe that a violation or danger
9 exists, the department shall notify the party in writing of
10 that determination. The ~~department division~~ shall have
11 rulemaking authority to carry out the provisions of this
12 chapter.

13 Section 40. Effective May 1, 2002, section 399.105,
14 Florida Statutes, is amended to read:

15 399.105 Administrative fines.--

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

23 (2) Any person who commences the operation,
24 installation, relocation, or alteration of any elevator for
25 which a permit or certificate is required by this chapter
26 without having obtained from the ~~department division~~ the
27 permit or certificate is subject to an administrative fine not
28 greater than ~~\$1,000~~^{\$500} in addition to any other penalty
29 provided by law. No fine may be imposed under this subsection
30 for commencing installation without a construction permit if
31 such permit is issued within 60 days after the actual

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1 commencement of installation.

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

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

12 (5) All administrative fines collected shall be
13 deposited into the Operating Hotel and Restaurant Trust Fund.

14 Section 41. Effective May 1, 2002, section 399.106,
15 Florida Statutes, is created to read:

16 399.106 Elevator Safety Technical Advisory
17 Committee.--

18 (1) The Elevator Safety Technical Advisory Committee
19 is created within the Florida Building Commission of the
20 Department of Community Affairs, consisting of nine members to
21 be appointed by the commission as follows: one representative
22 from a major elevator manufacturing company or its authorized
23 representative; one representative from an elevator servicing
24 company; one representative from a building design profession;
25 one representative of the general public; one representative
26 of a local government in this state; one representative of a
27 building owner or manager; one representative of labor
28 involved in the installation, maintenance, and repair of
29 elevators; one representative of an inspection service
30 company; and one representative of the Elevator Association of
31 Florida, Inc.

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1 (2) The committee members shall serve for terms of 4
2 years without salary, but may receive from the state expenses
3 for per diem and travel. The commission chairman shall appoint
4 one of the members to serve as chair.

5 (3) The committee shall meet and organize in
6 conjunction with the next regularly scheduled meeting of the
7 Florida Building Commission. The committee shall meet on the
8 call of the commission at a time and place to be fixed by it
9 and at times considered necessary for the consideration of
10 code rules and regulations to be provided to the Florida
11 Building Commission.

12 (4) The committee may consult with engineering
13 authorities and organizations concerned with standard safety
14 codes for recommendations to the Florida Building Commission's
15 rules and regulations governing the operation, maintenance,
16 servicing, construction, alteration, installation, or
17 inspection of elevators, dumbwaiters, and escalators, and the
18 qualifications that are adequate, reasonable, and necessary
19 for the elevator mechanic, contractor, and inspector. The
20 committee may recommend appropriate legislation to the
21 commission.

22 (5) The committee shall provide to the commission
23 state regulations for the equipment regulated by this chapter,
24 including, but not limited to, the Safety Code for Elevators
25 and Escalators, ASME A17.1; the Safety Code for Existing
26 Elevators and Escalators, ASME A17.3; the Safety Standards for
27 Platform Lifts and Stairway Chairlifts, ASME A18.1; and the
28 Standards for the Qualification of Elevator Inspectors, ASME
29 QEI-1.

30 Section 42. Effective May 1, 2002, section 399.11,
31 Florida Statutes, is amended to read:

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1 399.11 Penalties.--

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

6 (2) Any person who falsely represents himself or
7 herself as a holder of a certificate of competency issued
8 pursuant to s. 399.049 ~~s. 399.045~~ is guilty of a misdemeanor
9 of the second degree, punishable as provided in s. 775.082 or
10 s. 775.083.

11 Section 43. Effective May 1, 2002, section 399.125,
12 Florida Statutes, is amended to read:

13 399.125 Reporting of elevator accidents;
14 penalties.--Within 5 working days after any accident occurring
15 in or upon any elevator, which accident results in bodily
16 injury or death to any person and which is presumptively
17 caused by the malfunction of the equipment or misuse by a
18 passenger of the equipment, the elevator owner shall report to
19 the department ~~division~~ the date and time of the accident, the
20 location of the elevator involved in the accident, whether
21 there exists a service maintenance contract, and, if so, with
22 whom. Any elevator owner who fails to file such report within
23 5 working days after an accident is subject to an
24 administrative fine, to be imposed by the department ~~division~~,
25 in an amount not to exceed \$1,000 ~~\$500~~.

26 Section 44. Effective May 1, 2002, section 399.13,
27 Florida Statutes, is amended to read:

28 399.13 Delegation of authority to municipalities or
29 counties.--

30 (1) The department ~~division~~ may enter into contracts
31 with municipalities or counties under which such

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1 municipalities or counties will issue construction permits,
2 temporary operation permits, and certificates of operation;
3 will provide inspection of elevators; and will enforce the
4 applicable provisions of the Florida Building Code, as
5 required by this chapter. Each such agreement shall include a
6 provision that the municipality or county shall maintain for
7 inspection by the department ~~division~~ copies of all
8 applications for permits issued, a copy of each inspection
9 report issued, and proper records showing the number of
10 certificates of operation issued; shall include a provision
11 that each required inspection be conducted by the holder of a
12 certificate of competency issued by the department ~~division~~;
13 and may include such other provisions as the department
14 ~~division~~ deems necessary.

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

24 Section 45. Effective May 1, 2002, sections 399.045
25 and 399.05, Florida Statutes, are repealed.

26 Section 46. Effective May 1, 2002, the regulation of
27 elevators pursuant to chapter 399, Florida Statutes, is
28 transferred by a type two transfer, as defined in section
29 20.06(2), Florida Statutes, from the Department of Business
30 and Professional Regulation to the Department of Community
31 Affairs. All rules adopted pursuant to the regulation

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1 administered under chapter 399, Florida Statutes, shall remain
 2 in effect until amended and transferred by the Department of
 3 Community Affairs. Any administrative and judicial actions and
 4 proceedings shall continue unabated by this act, and the
 5 Department of Community Affairs shall be substituted for the
 6 Department of Business and Professional Regulation as the
 7 party in interest.

8
9
10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 46, line 25, of the amendment

13
14 after appropriation; insert:

15 amending s. 489.111, F.S.; providing
 16 eligibility requirements to take the licensure
 17 examination for the swimming pool/spa servicing
 18 contractor's license; creating s. 399.001,
 19 F.S.; creating the "Elevator Safety Act";
 20 amending s. 399.01, F.S.; defining terms;
 21 amending ss. 399.02, 399.03, F.S.; providing
 22 regulatory standards for elevators and similar
 23 conveyances under the jurisdiction of the
 24 Department of Community Affairs; providing for
 25 permits for construction or alteration of
 26 elevators and similar conveyances; creating s.
 27 399.049, F.S.; providing for licenses and
 28 certificates of competency for elevator
 29 contractors, elevator mechanics, and elevator
 30 inspectors; providing for qualifications, fees,
 31 continuing education, and disciplinary action;

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1 amending s. 399.061, F.S.; providing for annual
2 inspections and fees; amending ss. 399.07,
3 399.10, 399.105, F.S.; revising administrative
4 fines and fee-setting procedures; conforming
5 provisions; creating s. 399.106, F.S.; creating
6 the Elevator Safety Technical Advisory
7 Committee; providing for its membership and
8 authority; amending s. 399.11, 399.125, 399.13,
9 F.S.; conforming provisions; repealing s.
10 399.045, F.S., which provides for a certificate
11 of competency; repealing s. 399.05, F.S., which
12 provides for construction permits; transferring
13 the regulation of elevators from the Department
14 of Business and Professional Regulation to the
15 Department of Community Affairs; providing for
16 the continuance of judicial and administrative
17 actions;

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