

By Representative Berfield

1 A bill to be entitled
2 An act relating to elevators; amending s.
3 399.01, F.S.; defining terms; amending ss.
4 399.02, 399.03, F.S.; providing regulatory
5 standards for elevators and similar equipment;
6 providing for permits for construction or
7 alteration; providing for fees; creating s.
8 399.046, F.S.; providing for licenses for
9 elevator contractors and certificates of
10 competency for elevator mechanics and elevator
11 inspectors; creating s. 399.106, F.S.; creating
12 the Elevator Safety Review Board; providing for
13 its membership and authority; repealing s.
14 399.045, F.S., which provides for a certificate
15 of competency; repealing s. 399.05, F.S., which
16 provides for construction permits; providing an
17 effective date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Section 399.01, Florida Statutes, is
22 amended to read:

23 399.01 Definitions.--As used in this chapter, the
24 term:

25 (1) "ASCE 21" means the American Society of Civil
26 Engineers Automated People Mover Standards.

27 (2) "ASME A17.1" means the Safety Code for Elevators
28 and Escalators, an American National Standard.

29 (3) "ASME A17.3" means the Safety Code for Existing
30 Elevators and Escalators, an American National Standard.

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- 1 (4) "ASME A18.1" means the Safety Standard for
2 Platform Lifts and Stairway Chairlifts, an American National
3 Standard.
- 4 (5) "Automated people mover" means an installation as
5 defined in ASCE 21.
- 6 (6) "Board" means the Elevator Safety Review Board
7 created in s. 399.106.
- 8 (7) "Certificate of operation" means a document issued
9 by the division which indicates that the conveyance has had
10 the required safety inspection and tests and that fees have
11 been paid as provided in this chapter.
- 12 (8) "Certificate of operation; temporary" means a
13 document issued by the division which permits the temporary
14 use of a noncompliant conveyance by the general public for a
15 limited time of 30 days while minor repairs are being
16 completed.
- 17 (9) "Conveyance" means an elevator, dumbwaiter,
18 escalator, moving sidewalk, platform lift, stairway chairlift,
19 and automated people mover.
- 20 ~~(1) "Alteration" means any change or addition to the~~
21 ~~equipment other than maintenance, repair, or replacement.~~
- 22 ~~(2) "Certificate of competency" means a document~~
23 ~~issued by the division which evidences the competency of a~~
24 ~~person to construct, install, inspect, maintain, or repair any~~
25 ~~elevator.~~
- 26 ~~(3) "Certificate of operation" means a document that~~
27 ~~authorizes an elevator owner to operate the elevator and that~~
28 ~~is issued to the elevator owner when the division finds that~~
29 ~~the elevator complies with the requirements of this chapter.~~
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1 ~~(10(4))~~ "Division" means the Division of Hotels and
2 Restaurants of the Department of Business and Professional
3 Regulation.

4 (11) "Dormant elevator, dumbwaiter or escalator" means
5 an installation placed out of service as specified in ASME
6 A17.1 and ASME A18.1.

7 (12) "Elevator" means an installation as defined in
8 ASME A17.1.

9 (13) "Elevator contractor" means a person, firm, or
10 corporation that possesses an elevator contractor's license
11 and who is engaged in the business of erecting, constructing,
12 installing, altering, servicing, repairing, or maintaining
13 elevators or related conveyances covered by this chapter.

14 (14) "Elevator helper/apprentice" means a person who
15 works under the general direction of an elevator mechanic with
16 a certificate of competency.

17 (15) "Elevator inspector" means a person, as defined
18 in ASME QEI as an inspector who possesses an elevator
19 inspector's certificate of competency in accordance with this
20 chapter.

21 (16) "Elevator mechanic" means a person who possesses
22 an elevator mechanic certificate of competency and who is
23 engaged in erecting, constructing, installing, altering,
24 servicing, repairing, or maintaining elevators or related
25 conveyances covered by this chapter.

26 (17) "Escalator" means an installation defined as an
27 escalator in ASME A17.1.

28 (18) "Existing installation" means an installation
29 defined as an "installation, existing" in ASME A17.1.

30 (19) "License or certificate of competency" means a
31 written license or certificate of competency issued by the

1 division authorizing a person, firm, or company to carry on
2 the business of erecting, constructing, installing, altering,
3 servicing, repairing, maintaining, or performing inspections
4 of elevators or related conveyances covered by this chapter.

5 (20) "Elevator contractor's license" means a license
6 that is issued to an elevator contractor who has proven his or
7 her qualifications and ability and has been authorized by the
8 Elevator Safety Review Board to possess this type of license.
9 It entitles the holder to engage in the business of erecting,
10 constructing, installing, altering, servicing, testing,
11 repairing, or maintaining elevators or related conveyances
12 covered by this chapter.

13 (21) "Inspector certificate of competency" means a
14 certificate of competency that is issued to an ASME QEI
15 certified elevator inspector who has proven his or her
16 qualifications and ability and has been authorized by the
17 Elevator Safety Review Board to possess this type of
18 certificate of competency. It entitles the holder to engage in
19 the business of inspecting elevators or related conveyance
20 covered by this chapter.

21 (22) "Limited elevator contractor's license" means a
22 license that is issued by the division authorizing a person,
23 firm, or company who employs individuals to carry on a
24 business of erecting, constructing, installing, altering,
25 servicing, repairing, or maintaining platform lifts and
26 stairway chairlifts within any building or structure,
27 including private residences.

28 (23) "Elevator mechanic certificate of competency"
29 means a certificate of competency that is issued to a person
30 who has proven his or her qualifications and abilities and has
31 been authorized by the Elevator Safety Review Board to work on

1 conveyance equipment. It entitles the holder to install,
2 construct, alter, service, repair, test, maintain, and perform
3 electrical work on elevators or related conveyances covered by
4 this chapter.

5 (24) "Licensee" means a licensed elevator mechanic,
6 elevator contractor, or elevator inspector.

7 (25) "Material alteration" means an alteration as
8 defined in the referenced standards.

9 (26) "Moving walk or sidewalk" means an installation
10 defined as a moving walk in ASME A17.1.

11 (27) "Private residence" means a separate dwelling or
12 a separate apartment in a multiple dwelling which is occupied
13 by members of a single-family unit.

14 (28) "Repair" means a repair as defined in the
15 referenced standards and does not require a permit.

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

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

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

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

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

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

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

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

23 ~~(6) "Elevator company" means any person that~~
24 ~~constructs, installs, inspects, maintains, or repairs any~~
25 ~~elevator.~~

26 (30)(7) "Service maintenance contract" means a
27 contract that provides for routine examination, lubrication,
28 cleaning, adjustment, replacement of parts, and performance of
29 applicable code-required safety tests on a traction elevator
30 and annual relief pressure test on a hydraulic elevator and
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1 any other service, repair, and maintenance sufficient to
2 ensure the safe operation of the elevator.

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4 All other building transportation terms are defined in the
5 latest edition of ASME A17.1 and ASME A18.1.

6 Section 2. Section 399.02, Florida Statutes, is
7 amended to read:

8 399.02 General requirements.--

9 (1)(a) This chapter covers the design, construction,
10 operation, inspection, testing, maintenance, alteration, and
11 repair of the following equipment and its associated parts and
12 hoistways:

13 1. Hoisting and lowering mechanisms equipped with a
14 car or platform which move between two or more landings. This
15 equipment includes, but is not limited to, elevators, platform
16 lifts, and stairway chairlifts (also see ASME A17.1, ASME
17 A17.3, and ASME A18.1).

18 2. Power-driven stairways and walkways for carrying
19 persons between landings. This equipment includes, but is not
20 limited to, escalators and moving walks (also see ASME A17.1
21 and ASME A17.3).

22 3. Hoisting and lowering mechanisms equipped with a
23 car which serves two or more landings and is restricted to the
24 carrying of material by its limited size or limited access to
25 the car. This equipment includes, but is not limited to,
26 dumbwaiters, material lifts, and dumbwaiters with
27 automatic-transfer devices (also see ASME A17.1 and ASME
28 A17.3).

29 (b) This chapter also covers the design, construction,
30 operation, inspection, maintenance, alteration, and repair of
31 automatic guided transit vehicles on guideways with an

- 1 exclusive right-of-way. This equipment includes, but is not
2 limited to, automated people movers (also see ASCE 21).
- 3 (2) Equipment not covered by this chapter includes,
4 but is not limited to:
- 5 (a) Personnel hoists within the scope of ANSI A10.4.
6 (b) Material hoists within the scope of ANSI A10.5.
7 (c) Man lifts within the scope of ANSI A90.1.
8 (d) Mobile scaffolds, towers, and platforms within the
9 scope of ANSI A92.
- 10 (e) Powered platforms and equipment for exterior and
11 interior maintenance within the scope of ANSI 120.1.
- 12 (f) Conveyors and related equipment within the scope
13 of ASME B20.1.
- 14 (g) Cranes, derricks, hoists, hooks, jacks, and slings
15 within the scope of ASME B30.
- 16 (h) Industrial trucks within the scope of ASME B56.
17 (i) Portable equipment, except for portable escalators
18 that are covered by ANSI A17.1.
- 19 (j) Tiering or piling machines used to move materials
20 to and from storage located and operating entirely within one
21 story.
- 22 (k) Equipment for feeding or positioning materials at
23 machine tools and printing presses.
- 24 (l) Skip or furnace hoists.
25 (m) Wharf ramps.
26 (n) Railroad car lifts or dumpers.
27 (o) Line jacks, false cars, shafters, moving
28 platforms, and similar equipment used for installing an
29 elevator by a contractor certified in this state.
- 30 ~~(1) The division shall develop and submit to the~~
31 ~~Florida Building Commission for consideration an elevator~~

1 ~~safety code, which, when adopted within the Florida Building~~
2 ~~Code, applies to the installation, relocation, or alteration~~
3 ~~of an elevator for which a permit has been issued after~~
4 ~~October 1, 1990, and which must be the same as or similar to~~
5 ~~the latest revision of "The Safety Code for Elevators and~~
6 ~~Escalators ASME A17.1."~~

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

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

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

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

28 (b) The elevator owner is responsible for the safe
29 operation and proper maintenance of the elevator after it has
30 been inspected and a certificate of operation has been issued

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1 by the division. The responsibilities of the elevator owner
2 may be assigned by lease.

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

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

24 (5) The division is empowered to carry out all of the
25 provisions of this chapter relating to the inspection and
26 regulation of elevators and to enforce the provisions of the
27 Florida Building Code. The purpose of this chapter is to
28 provide for the safety of life and limb and to promote public
29 safety awareness. The use of unsafe and defective lifting
30 devices imposes a substantial probability of serious and
31 preventable injury to employees and the public exposed to

1 unsafe conditions. The prevention of these injuries and
2 protection of employees and the public from unsafe conditions
3 is in the best interest of the public. Elevator personnel
4 performing work covered by the code must have documented
5 training or experience or both and be familiar with the
6 operation and safety functions of the components and
7 equipment. Training and experience includes, but is not
8 limited to, recognizing the safety hazards and performing the
9 procedures to which they are assigned in conformance with the
10 requirements of the code. This chapter establishes the minimum
11 standards for elevator personnel. This chapter is not intended
12 to prevent the use of systems, methods, or devices of
13 equivalent or superior quality, strength, fire resistance,
14 code effectiveness, durability, and safety to those required
15 by the code, if there is technical documentation to
16 demonstrate the equivalency of the system, method, or device,
17 as prescribed in ASME A17.1, ASME A18.1 or ASCE 21.~~which~~
18 ~~govern elevators and conveying systems in conducting the~~
19 ~~inspections authorized under this part to provide for the~~
20 ~~protection of the public health, welfare, and safety.~~

21 ~~(6) The division shall annually review the provisions~~
22 ~~of the Safety Code for Elevators and Escalators ASME A17.1, or~~
23 ~~other related model codes and amendments thereto, 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 3. Section 399.03, Florida Statutes, is
28 amended to read:

29 399.03 Design, installation, and alteration of
30 elevators.--
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1 (1) A conveyance covered by this chapter may not be
2 erected, constructed, installed, or altered within buildings
3 or structures unless a permit has been obtained from the
4 division before the work is commenced. When any material
5 alteration is made, the device must conform to applicable
6 requirements of ASME A17.1, ASME A18.1 or ASCE 21 for the
7 alteration. A permit required hereunder may not be issued
8 except to a person, firm, or corporation holding a current
9 elevator contractor's license issued under this chapter. A
10 copy of the permit must be kept at the construction site at
11 all times while the work is in progress.

12 (2) The permit fees shall be set by the board and are
13 nonrefundable.

14 (3) Each application for a permit must:

15 (a) Be accompanied by copies of specifications and
16 accurately scaled and fully dimensioned plans showing the
17 location of the installation in relation to the plans and
18 elevation of the building; the location of the machinery room
19 and the equipment to be installed, relocated, or altered; and
20 all structural supporting members thereof, including
21 foundations, and must specify all materials to be employed and
22 all loads to be supported or conveyed. Such plans and
23 specifications must be sufficiently complete to illustrate all
24 details of construction and design.

25 (b) Be accompanied by the applicable fees.

26 (4) Permits may be revoked for the following reasons:

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

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1 (b) When the permit was issued in error and should not
2 have been issued in accordance with the code.

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

7 (d) When the elevator contractor to whom the permit
8 was issued fails or refuses to comply with a stop work order.

9 (5) A permit expires:

10 (a) If the work authorized by the permit is not
11 commenced within 6 months after the date of issuance, or
12 within a shorter period of time as the division director or
13 his or her duly authorized representative may specify at the
14 time the permit is issued.

15 (b) If the work is suspended or abandoned for a period
16 of 60 days, or such shorter period of time as the division
17 director or his or her duly authorized representative may
18 specify at the time the permit is issued, after the work has
19 been started. For good cause, the division director or his or
20 her representative may allow a discretionary extension for the
21 foregoing period.

22 (6) All new conveyance installations must be performed
23 by a person to which a license to install or service a
24 conveyance has been issued. Subsequent to installation, the
25 licensed person, firm, or company must certify compliance with
26 the applicable sections of this chapter. Before any conveyance
27 is used, the property owner or lessee must obtain a
28 certificate of operation from the division. A fee as
29 prescribed in this chapter must be paid for the certificate of
30 operation. It is the responsibility of the licensed elevator
31 contractor to complete and submit a first-time registration

1 for a new installation. The certificate of operation fee for
2 newly installed platform lifts and stairway chairlifts for
3 private residences must follow an inspection by a licensed
4 third-party inspection firm.

5 (7) The certificate of operation fee for all existing
6 platform and stairway chairlifts for private residences and
7 any renewal certificate fee is waived. The director of the
8 division or his or her designee shall inspect, in accordance
9 with the requirements set forth in this chapter, all existing
10 platform lifts and stairway chairlifts for private residences
11 subsequent to an inspection by a person, firm, or company to
12 which a license to inspect conveyances has been issued.

13 (8) A certificate of operation is renewable annually
14 except for certificates issued for platform and stairway
15 chairlifts for private residences, which are valid for a
16 period of 3 years. A certificate of operation must be clearly
17 displayed on or in each conveyance or in the machine room for
18 use for the benefit of code enforcement staff.

19 (9) The permitholder shall notify the division, in
20 writing, at least 7 days before completion of the work and
21 shall, in the presence of a state elevator inspector, subject
22 the newly installed, relocated, or altered portions of the
23 elevator to the tests required to show that the elevator meets
24 the requirements of this chapter.

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

29 ~~(2) Each alteration to, or relocation of, an elevator~~
30 ~~shall comply with the edition of the Florida Building Code~~

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1 ~~that was in effect at the time of receipt of the application~~
2 ~~for the construction permit for the alteration or relocation.~~

3 ~~(3) When any change is made in the classification of~~
4 ~~an elevator, the elevator shall comply with all of the~~
5 ~~requirements of the version of the Florida Building Code that~~
6 ~~were in effect at the time of receipt of the application for~~
7 ~~the construction permit for the change in classification.~~

8 Section 4. Section 399.046, Florida Statutes, is
9 created to read:

10 399.046 License; certificate of competency.--

11 (1) APPLICATION FOR AN ELEVATOR CONTRACTOR'S LICENSE,
12 ELEVATOR MECHANIC'S OR INSPECTOR'S CERTIFICATE OF
13 COMPETENCY.--

14 (a) Any person desiring to engage in the business of
15 elevator, dumbwaiter, escalator, moving sidewalks
16 installation, alteration service, replacement or maintenance
17 as an elevator contractor shall apply for a license with the
18 division on a form provided by the director.

19 (b) Any person desiring to engage in the business of
20 installing, altering, repairing, or servicing an elevator,
21 dumbwaiter, escalator, moving sidewalks installation,
22 alteration, service, replacement, or maintenance as an
23 elevator mechanic shall apply for a certificate of competency
24 with the division on a form provided by the director.

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

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1 (d) The applications shall contain the following
2 information:

3 1. If a person, the name, residence, and business
4 address of the applicant.

5 2. If a partnership, the name, residence, and business
6 address of each partner.

7 3. If a domestic corporation, the name and business
8 address of the corporation and residence address of the
9 principal officer of the corporation. If a corporation other
10 than a domestic corporation, the name and address of a local
11 registered agent who is authorized to accept service of
12 process or official notices.

13 4. The number of years the applicant has engaged in
14 the business of installing, inspecting, or maintaining or
15 servicing elevators or platform lifts.

16 5. The approximate number of persons, if any, to be
17 employed by the elevator contractor applicant, and if
18 applicable, satisfactory evidence that the employees are or
19 will be covered by workers' compensation insurance.

20 6. Satisfactory evidence that the applicant is or will
21 be covered by general liability, personal injury, and property
22 damage insurance.

23 7. A record of criminal convictions, if any, as
24 verified by the Department of Law Enforcement.

25 8. Any other information the division may require.

26 (2) QUALIFICATIONS OF ELEVATOR MECHANIC.--A
27 certificate of competency may not be granted to any person who
28 has not proven his or her qualifications and abilities.
29 Applicants for a mechanic certificate of competency must
30 demonstrate the following qualifications:
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1 (a) An acceptable combination of documented experience
2 and education credits: not less than 3 years work experience
3 in the elevator industry, in construction, maintenance and
4 service or repair, as verified by current and previous
5 employers licensed to do business in this state. Satisfactory
6 completion of a written examination administered by the
7 Elevator Safety Review Board on the most recent referenced
8 codes and standards.

9 (b) Any person who furnishes the division with
10 acceptable proof that they have worked as an elevator
11 constructor, maintenance, or repair person without direct and
12 immediate supervision for an elevator contractor licensed to
13 do business in this state for not less than 3 years may apply
14 for a certificate of competency, pay the certificate of
15 competency fee, and be entitled to receive a certificate of
16 competency without an examination.

17 (c) A certificate of completion and successful passing
18 of the mechanic examination of a nationally recognized
19 training program for the elevator industry such as the
20 National Elevator Industry Education Program or its
21 equivalent, or a certificate of completion of an
22 apprenticeship program for elevator mechanics, having
23 standards substantially equal to those in this chapter, and
24 registration with the Bureau of Apprenticeship and Training,
25 U.S. Department of Labor, or a state apprenticeship council.

26 (d) A certificate of competency shall be issued upon
27 application without examination to an individual holding a
28 valid certificate of competency from a state having standards
29 substantially equal to those of this chapter.

30 (3) QUALIFICATIONS OF ELEVATOR INSPECTOR.--An
31 inspector's certificate of competency may not be granted to

1 any person, unless he or she proves to the satisfaction of the
2 division or administrator designated by the board that he or
3 she meets the current ASME QEI-1, Standards for the
4 Qualifications of Elevator Inspectors.

5 (4) QUALIFICATIONS OF ELEVATOR CONTRACTOR.--A license
6 may not be granted to any person who does not have 5 years
7 work experience in the elevator industry in construction,
8 maintenance, and service or repair, as verified by a current
9 or previous elevator contractor license or satisfactory
10 completion of a written examination administered by the
11 Elevator Safety Review Board on the most recent referenced
12 codes and standards. However, a license may be issued to an
13 individual or firm holding a valid license from a state having
14 standards substantially equal to those of this chapter.

15 (5) ISSUANCE AND RENEWAL OF CERTIFICATE OF
16 COMPETENCIES; FEES.--

17 (a) When the division receives an application it may
18 issue a certificate of competency that is renewable
19 biennially. The board shall set the fee for a certificate of
20 competency and any renewal thereafter.

21 (b) Whenever an emergency exists in the state due to a
22 disaster, an act of God, or work stoppage and the number of
23 persons in the state holding certificates of competency
24 granted by the board is insufficient to cope with the
25 emergency, a licensed elevator contractor shall respond as
26 necessary to assure the safety of the public. Any person
27 certified by a licensed elevator contractor to have an
28 acceptable combination of documented experience and education
29 to perform elevator work without direct and immediate
30 supervision shall seek an emergency elevator mechanic
31 certificate of competency from the administrator within 5

1 business days after commencing work requiring a certificate of
2 competency. Each emergency certificate of competency is valid
3 for a period of 30 days from the date issued and for
4 particular elevators or geographical areas as the
5 administrator may designate. The administrator may renew an
6 emergency elevator mechanic certificate of competency during
7 the existence of an emergency. A fee may not be charged for
8 any emergency elevator mechanic certificate of competency or
9 renewal thereof.

10 (c) A licensed elevator contractor shall notify the
11 administrator when there are no certificate of competency
12 personnel available to perform elevator work. A licensed
13 elevator contractor may request that the administrator issue a
14 temporary elevator mechanic certificate of competency to a
15 person certified by the elevator contractor to have an
16 acceptable combination of documented experience and education
17 to perform elevator work without direct and immediate
18 supervision. The board shall adopt a fee for a temporary
19 certificate of competency. Each temporary certificate of
20 competency is valid for a period of 30 days from the date of
21 issuance and while employed by the licensed elevator
22 contractor that certified the individual as qualified. It is
23 renewable as long as the shortage of certificate of competency
24 holders continues.

25 (d)1. Except for certificates issued under paragraphs
26 (b) and (c), the renewal of a certificate of competency issued
27 under this section is conditioned upon the submission of a
28 certificate of completion of a course designed to ensure the
29 continuing education covering new and existing provisions of
30 the rules of the Elevator Safety Review Board. The course must
31 consist of not less than 8 hours of instruction to be attended

1 and completed within 1 year immediately preceding the renewal
2 of a certificate of competency.

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

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

27 4. Approved training providers shall keep uniform
28 records for a period of 10 years of the attendance of
29 certified persons following a format approved by the board and
30 such records shall be available for inspection by the board at
31 its request. Approved training providers shall be responsible

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

6 (6) SUSPENSION OR REVOCATION OF CERTIFICATE OF
7 COMPETENCY.--A certificate of competency issued under this
8 chapter may be suspended or revoked by the division or
9 administrator upon verification that any one or more of the
10 following reasons exist:

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

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

15 (c) Failure to notify the division and the owner or
16 lessee of an elevator or related mechanisms of any condition
17 not in complete compliance with this chapter.

18 (d) Violation of any provisions of this chapter.

19 (7) HEARING ON CHARGES; DECISION.--A certificate of
20 competency may not be suspended or revoked until after a
21 hearing before the administrator upon notice to the certified
22 person of at least 10 days at the last known address appearing
23 on the certificate of competency, served personally or by
24 registered mail. The notice must state the date, hour, and
25 place of hearing and set forth a statement of facts
26 constituting the grounds for the charges against the
27 certificate of competency. The administrator shall suspend or
28 revoke the certificate of competency or dismiss the
29 proceeding.

30 (8) APPEALS.--Any person whose certificate of
31 competency is revoked or suspended may appeal to the board,

1 which shall within 30 days thereafter hold a hearing and shall
2 provide at least 15 days written notice to all interested
3 parties. The board shall issue a decision within 30 days after
4 such hearing.

5 Section 5. Section 399.106, Florida Statutes, is
6 created to read:

7 399.106 Elevator Safety Review Board.--

8 (1) The Elevator Safety Review Board is created within
9 the Florida Building Commission of the Department of Community
10 Affairs, consisting of nine members, one of whom shall be the
11 Chief of the Bureau of Elevator Safety, Division of Hotel and
12 Restaurants or his or her designee and one of whom shall be
13 the Secretary of Business and Professional Regulation. The
14 Governor shall appoint the remaining seven members of the
15 board as follows: one representative from a major elevator
16 manufacturing company or its authorized representative; one
17 representative from an elevator servicing company; one
18 representative of the architectural design profession; one
19 representative of the general public; one representative of a
20 municipality in this state; one representative of a building
21 owner or manager; and one representative of labor involved in
22 the installation, maintenance, and repair of elevators.

23 (2) The board members shall serve for terms of 3
24 years, except the Chief of the Bureau of Elevator Safety,
25 Division of Hotels and Restaurants and the Secretary of
26 Business and Professional Regulation. The members shall serve
27 without salary, but may receive from the state expenses
28 necessarily incurred by them in performance of their duties.
29 The Governor shall appoint one of the members to serve as
30 chairperson. The chairperson is the deciding vote in the event
31 of a tie vote.

1 (3) The board shall meet and organize within 10 days
2 after the appointment of its members and at that meeting shall
3 elect one secretary of the board to serve during the term to
4 be fixed by rules adopted by the board. The board shall meet
5 regularly once in each month at a time and place to be fixed
6 by it and at times considered necessary for the consideration
7 of code regulation, appeals, variances, and for the
8 transaction of such other business as properly may come before
9 it. Special meetings may be called as provided in the rules.
10 Any appointed board member absent from three consecutive
11 meetings is dismissed.

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

21 (5) The board shall establish the state regulations
22 for the equipment regulated by this chapter. The regulations
23 include the Safety Code for Elevators and Escalators, ASME
24 A17.1; the Safety Code for Existing Elevators and Escalators,
25 ASME A17.1; the Safety Code for Existing Elevators and
26 Escalators, ASME A17.3; the Safety Standards for Platform
27 Lifts and Stairway Chairlifts, ASME A18.1; the Standards for
28 the Qualification of Elevator Inspectors, ASME QEI-1, and
29 Automated People Mover Standards, ASCE 21. The board shall
30 adopt the latest edition of the standards within 6 months
31 after their effective date. Any modifications to the standards

1 that the board considers necessary must be justified in
2 writing by the board.

3 (6) The board may grant exceptions and variances from
4 the literal requirements of applicable codes and standards,
5 regulations, or local ordinances in cases in which the
6 variances would not jeopardize the public safety and welfare.
7 The board has the authority to hear appeals, hold hearings,
8 and rule upon the appeal within 30 days after the appeal.

9 (7) The board shall establish fee schedules for
10 certificates or competency, permits, certificates, and
11 inspections. The fees shall reflect the actual costs and
12 expenses to operate the board and to conduct the duties
13 described in this chapter.

14 (8) The Elevator Safety Board shall develop an
15 enforcement program that ensures compliance with regulations
16 and requirements referenced in this chapter. This includes,
17 but is not limited to, regulations for identification of
18 property locations that are said to be subject to the
19 regulations and requirements; issuing notifications to
20 violating property owners or operators and random on-site
21 inspections and tests on existing installations; witnessing
22 periodic inspections and testing in order to ensure
23 satisfactory performance by certified persons, firms, or
24 companies; and assisting in development of public awareness
25 programs.

26 (9) Any person may request an investigation into an
27 alleged violation of this chapter by giving notice to the
28 division director of such violation or danger. The notice must
29 be in writing, set forth with reasonable particularity the
30 grounds for the notice, and be signed by the person making the
31 request.

1 (10) If upon receipt of such notification the division
2 director determines that there are reasonable grounds to
3 believe that a violation or danger exists, the director shall
4 investigate in accordance with the provisions of this chapter
5 as soon as practicable to determine if a violation or danger
6 exists. If the director determines that there are no
7 reasonable grounds to believe that a violation or danger
8 exists, the director shall notify the party in writing of that
9 determination.

10 Section 6. Sections 399.045 and 399.05, Florida
11 Statutes, are repealed.

12 Section 7. This act shall take effect July 1, 2001.

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15 LEGISLATIVE SUMMARY

16 Provides standards for the regulation of the design,
17 construction, operation, inspection, testing,
18 maintenance, alteration, and repair of elevators and
19 similar equipment. Creates the Elevator Safety Review
20 Board. (See bill for details.)

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