

By Senator Latvala

19-638A-01

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; creating s. 399.046, F.S.;  
8           providing for licenses and certificates of  
9           competency for elevator contractors, elevator  
10          mechanics, and elevator inspectors; creating s.  
11          399.106, F.S.; creating the Elevator Safety  
12          Review Board; providing for its membership and  
13          authority; repealing s. 399.045, F.S., which  
14          provides for a certificate of competency;  
15          repealing s. 399.05, F.S., which provides for  
16          construction permits; providing an effective  
17          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.



