

By the Committee on Commerce and Economic Opportunities; and
Senator Latvala

310-1804-01

1 A bill to be entitled
2 An act relating to elevators; creating section
3 399.001, F.S.; creating the "Elevator Safety
4 Act"; amending s. 399.01, F.S.; defining terms;
5 amending ss. 399.02, 399.03, F.S.; providing
6 regulatory standards for elevators and similar
7 conveyances under the jurisdiction of the
8 Department of Community Affairs; providing for
9 permits for construction or alteration of
10 elevators and similar conveyances; creating s.
11 399.049, F.S.; providing for licenses and
12 certificates of competency for elevator
13 contractors, elevator mechanics, and elevator
14 inspectors; providing for qualifications, fees,
15 continuing education, and disciplinary action;
16 amending s. 399.061, F.S.; providing for annual
17 inspections and fees; amending ss. 399.07,
18 399.10, 399.105, F.S.; revising administrative
19 fines and fee-setting procedures; conforming
20 provisions; creating s. 399.106, F.S.; creating
21 the Elevator Safety Committee; providing for
22 its membership and authority; amending s.
23 399.11, 399.125, 399.13, F.S.; conforming
24 provisions; repealing s. 399.045, F.S., which
25 provides for a certificate of competency;
26 repealing s. 399.05, F.S., which provides for
27 construction permits; transferring the
28 regulation of elevators from the Department of
29 Business and Professional Regulation to the
30 Department of Community Affairs; providing for
31

1 the continuance of judicial and administrative
2 actions; providing an effective date.

3

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

5

6 Section 1. Section 399.001, Florida Statutes, is
7 created to read:

8 399.001 Short title and purpose.--This chapter may be
9 cited as the "Elevator Safety Act." The purpose of this
10 chapter is to provide for the safety of life and limb and to
11 promote public safety awareness. The use of unsafe and
12 defective lifting devices imposes a substantial probability of
13 serious and preventable injury and exposes employees and the
14 public to unsafe conditions. The prevention of these injuries
15 and the protection of employees and the public from unsafe
16 conditions is in the best interest of the public. Elevator
17 personnel performing work covered by the Florida Building Code
18 must possess documented training or experience or both and be
19 familiar with the operation and safety functions of the
20 components and equipment. Training and experience includes,
21 but is not limited to, recognizing the safety hazards and
22 performing the procedures to which they are assigned in
23 conformance with the requirements of the Florida Building
24 Code. This chapter establishes the minimum standards for
25 elevator personnel.

26 Section 2. Section 399.01, Florida Statutes, is
27 amended to read:

28 399.01 Definitions.--As used in this chapter, the
29 term:

30 (1) "Automated people mover" means an installation as
31 defined in the Florida Building Code.

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

3 ~~(2) "Certificate of competency" means a document~~
4 ~~issued by the division which evidences the competency of a~~
5 ~~person to construct, install, inspect, maintain, or repair any~~
6 ~~elevator.~~

7 (2)(3) "Certificate of operation" means a document
8 issued by the department which indicates that the conveyance
9 has had the required safety inspection and tests and that fees
10 have been paid as provided in this chapter.

11 (3) "Conveyance" means an elevator, dumbwaiter,
12 escalator, moving sidewalk, platform lift, stairway chairlift,
13 and automated people mover.

14 (4) "Department" means the Department of Community
15 Affairs.~~that authorizes an elevator owner to operate the~~
16 ~~elevator and that is issued to the elevator owner when the~~
17 ~~division finds that the elevator complies with the~~
18 ~~requirements of this chapter.~~

19 ~~(4) "Division" means the Division of Hotels and~~
20 ~~Restaurants of the Department of Business and Professional~~
21 ~~Regulation.~~

22 (5) "Elevator" means one of the following mechanical
23 devices:

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

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

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

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

5 (e) An inclined stairway chairlift, which is a device
6 used to transport physically handicapped persons over
7 architectural barriers.

8 (f) An inclined or vertical wheelchair lift, which is
9 a device used to transport wheelchair handicapped persons over
10 architectural barriers.

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

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

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

22 (9) "Elevator mechanic" means a person who possesses
23 an elevator mechanic certificate of competency in accordance
24 with this chapter.

25 (10) "Escalator" means an installation defined as an
26 escalator in the Florida Building Code.

27 (11) "Existing installation" means an installation
28 defined as an "installation, existing" in the Florida Building
29 Code.

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

1 department 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 (13) "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 department to possess this type of license. It entitles the
9 holder to engage in the business of erecting, constructing,
10 installing, altering, servicing, testing, repairing, or
11 maintaining elevators or related conveyances covered by this
12 chapter.

13 (14) "Elevator Safety Committee" means the Elevator
14 Safety Committee appointed by the Florida Building Commission
15 under s. 399.106.

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

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

30 (17) "Elevator mechanic certificate of competency"
31 means a certificate of competency that is issued to a person

1 who has proven his or her qualifications and abilities and has
2 been authorized by the department to work on conveyance
3 equipment. It entitles the holder to install, construct,
4 alter, service, repair, test, maintain, and perform electrical
5 work on elevators or related conveyances covered by this
6 chapter.

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

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

11 (20) "Moving walk or sidewalk" means an installation
12 as defined in the Florida Building Code.

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

16 (22) "Repair" means a repair as defined in the
17 referenced standards and does not require a permit.

18 ~~(6) "Elevator company" means any person that~~
19 ~~constructs, installs, inspects, maintains, or repairs any~~
20 ~~elevator.~~

21 (23)(7) "Service maintenance contract" means a
22 contract that provides for routine examination, lubrication,
23 cleaning, adjustment, replacement of parts, and performance of
24 applicable code-required safety tests such as on a traction
25 elevator and annual relief pressure test on a hydraulic
26 elevator and any other service, repair, and maintenance
27 sufficient to ensure the safe operation of the elevator.

28 (24) "Temporarily dormant elevator, dumbwaiter, or
29 escalator" means an installation whose power supply has been
30 disconnected by removing fuses and placing a padlock on the
31 mainline disconnect switch in the "OFF" position. The car is

1 parked and the hoistway doors are in the closed and latched
2 position. A wire seal is installed on the mainline disconnect
3 switch by a certificate of competency elevator inspector. This
4 installation may not be used again until it has been put in
5 safe running order and is in condition for use. Annual
6 inspections shall continue for the duration of the temporarily
7 dormant status by a certificate of competency elevator
8 inspector. The temporarily dormant status is renewable on an
9 annual basis and may not exceed a 5-year period. The inspector
10 shall file a report with the chief elevator inspector
11 describing the current conditions. The wire seal and padlock
12 may not be removed for any purpose without permission from the
13 elevator inspector.

14 (25) "Temporary operation permit" means a document
15 issued by the department which permits the temporary use of a
16 noncompliant conveyance by the general public for a limited
17 time of 30 days while minor repairs are being completed.

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19 All other building transportation terms are defined in the
20 current Florida Building Code.

21 Section 3. Section 399.02, Florida Statutes, is
22 amended to read:

23 399.02 General requirements.--

24 (1) The Elevator Safety Committee ~~division~~ shall
25 develop and submit to the Florida Building Commission ~~for~~
26 ~~consideration~~ an elevator safety code, which, when adopted
27 within the Florida Building Code, applies to the installation,
28 relocation, or alteration of an elevator for which a permit
29 has been issued after October 1, 1990, and which must be the
30 same as or similar to the latest revision of "The Safety Code
31

1 for Elevators and Escalators ASME A17.1, ASME A17.3, ASME
2 A18.1, and ASCE 21."

3 (2)(a) This chapter covers the design, construction,
4 operation, inspection, testing, maintenance, alteration, and
5 repair of the following equipment and its associated parts and
6 hoistways:

7 1. Hoisting and lowering mechanisms equipped with a
8 car or platform which move between two or more landings. This
9 equipment includes, but is not limited to, elevators, platform
10 lifts, and stairway chairlifts.

11 2. Power-driven stairways and walkways for carrying
12 persons between landings. This equipment includes, but is not
13 limited to, escalators and moving walks.

14 3. Hoisting and lowering mechanisms equipped with a
15 car which serves two or more landings and is restricted to the
16 carrying of material by its limited size or limited access to
17 the car. This equipment includes, but is not limited to,
18 dumbwaiters, material lifts, and dumbwaiters with
19 automatic-transfer devices.

20 (b) This chapter also covers the design, construction,
21 operation, inspection, maintenance, alteration, and repair of
22 automatic guided transit vehicles on guideways with an
23 exclusive right-of-way. This equipment includes, but is not
24 limited to, automated people movers.

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

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

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

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

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

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

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

11 (g) Industrial trucks within the scope of ASME B56, as
12 adopted by the Florida Building Code.

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

15 (i) Tiered or piling machines used to move materials
16 to and from storage located and operating entirely within one
17 story.

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

20 (k) Skip or furnace hoists.

21 (l) Wharf ramps.

22 (m) Railroad car lifts or dumpers.

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

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

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

1 ~~television and radio towers; hand-operated dumbwaiters; sewage~~
2 ~~pump station lifts; automobile parking lifts; and equipment~~
3 ~~covered in s. 1.2 of the Elevator Safety Code.~~

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

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

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

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

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

7 (d) Each elevator company must register and have on
8 file with the department ~~division~~ a certificate of
9 comprehensive general liability insurance evidencing coverage
10 limits in the minimum amounts of \$100,000 per person and
11 \$300,000 per occurrence and the name of at least one employee
12 who holds a current certificate of competency issued under s.
13 399.049 ~~s. 399.045~~.

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

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

29 Section 4. Section 399.03, Florida Statutes, is
30 amended to read:

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1 399.03 Design, installation, and alteration of
2 conveyances elevators.--

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

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

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

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

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

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

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

29 (4) A permit expires if:

30 (a) The work authorized by the permit is not commenced
31 within 6 months after the date of issuance, or within a

1 shorter period of time as the department may specify at the
2 time the permit is issued.

3 (b) The work is suspended or abandoned for a period of
4 60 days, or such shorter period of time as the department may
5 specify at the time the permit is issued, after the work has
6 been started. For good cause, the department may allow a
7 discretionary extension for the foregoing period.

8 (5) All new conveyance installations must be performed
9 by a person to whom a license to install or service a
10 conveyance has been issued. Subsequent to installation, the
11 licensed person, firm, or company must certify compliance with
12 the applicable sections of this chapter and the Florida
13 Building Code. Before any conveyance is used, the property
14 owner or lessee must obtain an inspection by a licensed
15 inspector not employed or associated with the elevator
16 contractor, certifying that the elevator meets the safety
17 provisions of the Florida Building Code. Upon successful
18 inspection, the property owner or lessee must apply to the
19 department for a certificate of operation from the department.
20 A fee as prescribed in this chapter must be paid for the
21 certificate of operation. It is the responsibility of the
22 licensed elevator contractor to complete and submit a
23 first-time registration for a new installation. The
24 certificate of operation fee for newly installed platform
25 lifts and stairway chairlifts for private residences must
26 follow an inspection by a licensed third-party inspection
27 firm.

28 (6) The certificate of operation fee for all existing
29 platform and stairway chairlifts for private residences and
30 any renewal certificate fee is waived. The department or its
31 designee shall inspect, in accordance with the requirements

1 set forth in the Florida Building Code, all existing platform
2 lifts and stairway chairlifts for private residences
3 subsequent to an inspection by a person, firm, or company
4 licensed to inspect such conveyances.

5 (7) A certificate of operation is renewable annually
6 except for certificates issued for platform and stairway
7 chairlifts for private residences, which are valid for a
8 period of 3 years. A certificate of operation must be clearly
9 displayed on or in each conveyance or in the machine room for
10 use by and for the benefit of inspectors and code enforcement
11 personnel.

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

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

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

28 ~~(3) When any change is made in the classification of~~
29 ~~an elevator, the elevator shall comply with all of the~~
30 ~~requirements of the version of the Florida Building Code that~~

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1 ~~were in effect at the time of receipt of the application for~~
2 ~~the construction permit for the change in classification.~~

3 Section 5. Section 399.049, Florida Statutes, is
4 created to read:

5 399.049 Certificate of competency.--

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

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

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

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

28 (d) The applications shall contain information as
29 provided by rule, including, but not limited to, the number of
30 years the applicant has engaged in the business of installing,
31 inspecting, maintaining, or servicing elevators; satisfactory

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

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

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

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

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

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

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

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

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

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

28 (5) ISSUANCE AND RENEWAL OF CERTIFICATES OF
29 COMPETENCY; FEES.--

30 (a) When the division receives an application it may
31 issue a certificate of competency that is renewable every 4

1 years. The department shall set by rule the fee for a
2 certificate of competency and any renewal thereafter.

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

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

31

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

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

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

1 to falsify such attendance records or certificates of
2 completion constitutes grounds for suspension or revocation of
3 the approval required under this section.

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

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

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

14 (c) Failure to notify the department and the owner or
15 lessee of an elevator or related mechanism that is not in
16 compliance with the provisions of the elevator safety code
17 incorporated into the Florida Building Code.

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

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

22 Section 6. Section 399.061, Florida Statutes, is
23 amended to read:

24 399.061 Inspections; correction of deficiencies.--

25 (1)(a) All elevators subject to this chapter must be
26 annually inspected by a certified elevator inspector through a
27 third-party inspection service or by a municipality or county
28 under contract with the department pursuant to s. 399.13 ~~by a~~
29 ~~third-party inspection service certified as a qualified~~
30 ~~elevator inspector~~ or maintained pursuant to a service
31 maintenance contract continuously in force. A statement

1 verifying the existence, performance, and cancellation of each
2 service maintenance contract must be filed annually with the
3 department division as prescribed by rule. All elevators
4 covered by a service maintenance contract shall be inspected
5 by a certificate-of-competency holder at least once every 2
6 years. The owner of any conveyance shall have an elevator
7 mechanic inspect and test the conveyance at the intervals
8 required for compliance with ASME A17.1, ASME A18.1, and ASCE
9 21.7 ~~however, if the elevator is not an escalator or a~~
10 ~~dumbwaiter and the elevator serves only two adjacent floors~~
11 ~~and is covered by a service maintenance contract, no~~
12 ~~inspection shall be required so long as the service contract~~
13 ~~remains in effect.~~

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

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

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

31

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

5 Section 7. Section 399.07, Florida Statutes, is
6 amended to read:

7 399.07 Certificates of operation; temporary operation
8 permits; fees.--

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

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

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

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

1 deposited into the Operational ~~Hotel and Restaurant~~ Trust
2 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 Operational
30 ~~Hotel and Restaurant~~ Trust Fund.

31

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

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

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

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

19 Section 8. Section 399.10, Florida Statutes, is
20 amended to read:

21 399.10 Enforcement of law.--It shall be the duty of
22 the department ~~division~~ to enforce the provisions of this
23 chapter. The department ~~division~~ shall have rulemaking
24 authority to carry out the provisions of this chapter.

25 Section 9. Section 399.105, Florida Statutes, is
26 amended to read:

27 399.105 Administrative fines.--

28 (1) Any person who fails to comply with the reporting
29 requirements of s. 399.02 or with the reasonable requests of
30 the department ~~division~~ to determine whether the provisions of
31 a service maintenance contract and its implementation assure

1 safe elevator operation is subject to an administrative fine
2 not greater than \$1,000~~\$500~~ in addition to any other penalty
3 provided by law.

4 (2) Any person who commences the operation,
5 installation, relocation, or alteration of any elevator for
6 which a permit or certificate is required by this chapter
7 without having obtained from the department ~~division~~ the
8 permit or certificate is subject to an administrative fine not
9 greater than \$1,000~~\$500~~ in addition to any other penalty
10 provided by law. No fine may be imposed under this subsection
11 for commencing installation without a construction permit if
12 such permit is issued within 60 days after the actual
13 commencement of installation.

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

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

24 (5) All administrative fines collected shall be
25 deposited into the Operational ~~Hotel and Restaurant~~ Trust
26 Fund.

27 Section 10. Section 399.106, Florida Statutes, is
28 created to read:

29 399.106 Elevator Safety Committee.--

30 (1) The Elevator Safety Committee is created within
31 the Florida Building Commission of the Department of Community

1 Affairs, consisting of seven members to be appointed by the
2 commission as follows: one representative from a major
3 elevator manufacturing company or its authorized
4 representative; one representative from an elevator servicing
5 company; one representative from a building design profession;
6 one representative of the general public; one representative
7 of a local government in this state; one representative of a
8 building owner or manager; and one representative of labor
9 involved in the installation, maintenance, and repair of
10 elevators.

11 (2) The committee members shall serve for terms of 4
12 years without salary, but may receive from the state expenses
13 for per diem and travel. The commission shall appoint one of
14 the members to serve as chairperson.

15 (3) The committee shall meet and organize in
16 conjunction with the next regularly scheduled meeting of the
17 Florida Building Commission. The committee shall meet on the
18 call of the commission at a time and place to be fixed by it
19 and at times considered necessary for the consideration of
20 code rules and regulations to be provided to the Florida
21 Building Commission.

22 (4) The committee may consult with engineering
23 authorities and organizations concerned with standard safety
24 codes for recommendations to the Florida Building Commission's
25 rules and regulations governing the operation, maintenance,
26 servicing, construction, alteration, installation, or
27 inspection of elevators, dumbwaiters, and escalators, and the
28 qualifications that are adequate, reasonable, and necessary
29 for the elevator mechanic, contractor, and inspector. The
30 committee may recommend appropriate legislation to the
31 commission.

1 (5) The committee shall provide to the commission
2 state regulations for the equipment regulated by this chapter,
3 including, but not limited to, the Safety Code for Elevators
4 and Escalators, ASME A17.1; the Safety Code for Existing
5 Elevators and Escalators, ASME A17.3; the Safety Standards for
6 Platform Lifts and Stairway Chairlifts, ASME A18.1; the
7 Standards for the Qualification of Elevator Inspectors, ASME
8 QEI-1, and Automated People Mover Standards, ASCE 21.

9 (6) The committee may recommend and the commission may
10 grant exceptions and variances from the literal requirements
11 of applicable codes and standards, regulations, or local
12 ordinances in cases in which the variances would not
13 jeopardize the public safety and welfare. The committee shall
14 hold hearings, hear appeals, and rule upon appeals within 30
15 days after the appeal. The committee shall develop an
16 enforcement program to ensure compliance with the requirements
17 of this chapter. The program must include random on-site
18 inspections and tests on existing installations and periodic
19 inspections and tests of persons who have been issued a
20 license or certificate of competency under this chapter.

21 (7) Any person may request an investigation into an
22 alleged violation of this chapter by giving notice to the
23 department of such violation or danger. The notice must be in
24 writing, set forth with reasonable particularity the grounds
25 for the notice, and be signed by the person making the
26 request.

27 (8) If upon receipt of such notification the
28 department determines that there are reasonable grounds to
29 believe that a violation or danger exists, the department
30 shall investigate as soon as practicable to determine if a
31 violation or danger exists. If the department determines that

1 there are no reasonable grounds to believe that a violation or
2 danger exists, the department shall notify the party in
3 writing of that determination.

4 Section 11. Section 399.11, Florida Statutes, is
5 amended to read:

6 399.11 Penalties.--

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

11 (2) Any person who falsely represents himself or
12 herself as a holder of a certificate of competency issued
13 pursuant to s. 399.049 ~~s. 399.045~~ is guilty of a misdemeanor
14 of the second degree, punishable as provided in s. 775.082 or
15 s. 775.083.

16 Section 12. Section 399.125, Florida Statutes, is
17 amended to read:

18 399.125 Reporting of elevator accidents;
19 penalties.--Within 5 working days after any accident occurring
20 in or upon any elevator, which accident results in bodily
21 injury or death to any person and which is presumptively
22 caused by the malfunction of the equipment or misuse by a
23 passenger of the equipment, the elevator owner shall report to
24 the department ~~division~~ the date and time of the accident, the
25 location of the elevator involved in the accident, whether
26 there exists a service maintenance contract, and, if so, with
27 whom. Any elevator owner who fails to file such report within
28 5 working days after an accident is subject to an
29 administrative fine, to be imposed by the department ~~division~~,
30 in an amount not to exceed \$1,000 ~~\$500~~.

31

1 Section 13. Section 399.13, Florida Statutes, is
2 amended to read:

3 399.13 Delegation of authority to municipalities or
4 counties.--

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

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

30 Section 14. Sections 399.045 and 399.05, Florida
31 Statutes, are repealed.

1 Section 15. The regulation of elevators pursuant to
2 chapter 399, Florida Statutes, is transferred by a type two
3 transfer, as defined in section 20.06(2), Florida Statutes,
4 from the Department of Business and Professional Regulation to
5 the Department of Community Affairs. All rules adopted
6 pursuant to the regulation administered under chapter 399,
7 Florida Statutes, shall remain in effect until amended and
8 transferred by the Department of Community Affairs. Any
9 administrative and judicial actions and proceedings shall
10 continue unabated by this act, and the Department of Community
11 Affairs shall be substituted for the Department of Business
12 and Professional Regulation as the party in interest.

13 Section 16. This act shall take effect January 1,
14 2002.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2014

4 The committee substitute makes the following changes to SB
5 2014:

- 6 1. Provides that ch. 399, F.S., may be cited as the
7 "Elevator Safety Act."
- 8 2. Provides for a type two transfer of the regulation of
9 elevators pursuant to ch. 399, F.S., from the Department
10 of Business and Professional Regulation to the
11 Department of Community Affairs (DCA).
- 12 3. Creates an Elevator Safety Committee (committee),
13 instead of an Elevator Safety Review Board, within the
14 Florida Building Commission (commission) of DCA. The
15 committee shall provide to the commission state
16 regulations for the equipment regulated by ch. 399,
17 F.S., and shall develop an enforcement program that
18 ensures compliance with the requirements of that
19 chapter.
- 20 4. Restores current law requiring submission of an elevator
21 safety code to the Florida Building Commission for
22 inclusion in the Florida Building Code and the annual
23 updating of that code. However, DCA (instead of the
24 Department of Business and Professional Regulation's
25 Division of Hotels and Restaurants) will be responsible
26 for the submission and updating of the elevator safety
27 code.
- 28 5. Amends certain definitions regarding the range of
29 devices regulated under state law and restores the
30 definition of the term "elevator."
- 31 6. Amends permit application requirements and conveyance
installation procedures.
7. Amends certification and licensure requirements.
8. Increases elevator inspection requirements.
9. Provides for new administrative fines and increases the
caps on several current administrative fines from \$500
to \$1,000.
10. Changes the effective date of the act from July 1, 2001,
to January 1, 2002.