

Bill No. CS for CS for SB's 336 & 190, 1st Eng.

Amendment No. Barcode 212288

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Latvala moved the following substitute for amendment (025200):

Senate Amendment (with title amendment)

On page 7, line 17, through page 8, line 31, delete those lines

and insert:

Section 5. Section 399.001, Florida Statutes, is created to read:

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

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

8 Section 6. Section 399.01, Florida Statutes, is
9 amended to read:

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

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

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

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

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

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

31 (6)~~(4)~~ "Division" means the Division of Hotels and

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1 Restaurants of the Department of Business and Professional
2 Regulation.

3 (7)~~(5)~~ "Elevator" means one of the following
4 mechanical 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 (8) "Escalator" means an installation defined as an
24 escalator in the Florida Building Code.

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

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

31 (11) "Private residence" means a separate dwelling or

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1 a separate apartment in a multiple dwelling which is occupied
2 by members of a single-family unit.

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

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

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

30 (14) "Temporary operation permit" means a document
31 issued by the department which permits the temporary use of a

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1 noncompliant vertical conveyance as provided by rule.

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

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

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

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1 (18) "Elevator helper" means a natural person
2 performing work under the direct supervision of a certified
3 elevator inspector or an elevator technician to construct,
4 install, maintain, or repair any vertical conveyance.

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

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

16 Section 7. Section 399.02, Florida Statutes, is
17 amended to read:

18 399.02 General requirements.--

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

30 (2) This chapter covers the design, construction,
31 operation, inspection, testing, maintenance, alteration, and

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1 repair of the following equipment and its associated parts and
2 hoistways:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (k) Skip or furnace hoists.

11 (l) Wharf ramps.

12 (m) Railroad car lifts or dumpers.

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

16 (o) Automated people movers at airports.

17 (p) Elevators in television and radio towers.

18 (q) Hand-operated dumbwaiters.

19 (r) Sewage pump station lifts.

20 (s) Automobile parking lifts.

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

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

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~~

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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 department ~~division~~ painted on or attached to
6 the elevator car in plain view and also to the driving
7 mechanism. This serial number shall be shown on all required
8 certificates 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

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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 division a certificate of comprehensive general~~
9 ~~liability insurance evidencing coverage limits in the minimum~~
10 ~~amounts of \$100,000 per person and \$300,000 per occurrence and~~
11 ~~the name of at least one employee who holds a current~~
12 ~~certificate of competency issued under s. 399.045.~~

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

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

28 Section 8. Section 399.03, Florida Statutes, is
29 amended to read:

30 399.03 Design, installation, and alteration of
31 conveyances ~~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 department before the work is commenced. When any material
5 alteration is made, the device must conform to applicable
6 requirements of the Florida Building Code for the alteration.
7 A permit required hereunder may not be issued except to a
8 person, firm, or corporation holding a current elevator
9 contractor's license issued under this chapter. A copy of the
10 permit must be kept at the construction site at all times
11 while the work is in progress.

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

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

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

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

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

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

27 (4) A permit expires if:

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

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

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

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

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1 vertical conveyances having a current satisfactory inspection.

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

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

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

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

25 Section 9. Section 399.049, Florida Statutes, is
26 created to read:

27 399.049 Certificate of competency.--

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

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1 upon any licensee or certificateholder who commits any one or
2 more of the following violations:

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

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

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

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

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

16 Section 10. Section 399.061, Florida Statutes, is
17 amended to read:

18 399.061 Inspections; correction of deficiencies.--

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

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

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

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

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

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

31 Section 11. Section 399.07, Florida Statutes, is

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1 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

31 (5) Except as authorized by a temporary operation

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

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

11 Section 12. Section 399.10, Florida Statutes, is
12 amended to read:

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

17 Section 13. Section 399.105, Florida Statutes, is
18 amended to read:

19 399.105 Administrative fines.--

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

27 (2) Any person who commences the operation,
28 installation, relocation, or alteration of any elevator for
29 which a permit or certificate is required by this chapter
30 without having obtained from the department ~~division~~ the
31 permit or certificate is subject to an administrative fine not

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1 greater than \$1,000~~\$500~~ in addition to any other penalty
 2 provided by law. No fine may be imposed under this subsection
 3 for commencing installation without a construction permit if
 4 such permit is issued within 60 days after the actual
 5 commencement of installation.

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

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

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

18 Section 14. Section 399.106, Florida Statutes, is
 19 created to read:

20 399.106 Elevator Safety Technical Advisory
 21 Committee.--

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

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

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

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

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

22 Section 15. Section 399.11, Florida Statutes, is
 23 amended to read:

24 399.11 Penalties.--

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

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

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1 guilty of a misdemeanor of the second degree, punishable as
2 provided in s. 775.082 or s. 775.083.

3 Section 16. Section 399.125, Florida Statutes, is
4 amended to read:

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

22 Section 17. Section 399.13, Florida Statutes, is
23 amended to read:

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

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

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

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

20 Section 18. Sections 399.045 and 399.05, Florida
21 Statutes, are repealed.

22
23 (Redesignate subsequent sections.)

24
25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 On page 1, lines 13-15 , delete those lines

29
30 and insert:

31 code; creating s. 399.001, F.S.; creating the

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1 "Elevator Safety Act"; amending s. 399.01,
2 F.S.; defining terms; amending ss. 399.02,
3 399.03, F.S.; providing regulatory standards
4 for elevators and similar conveyances;
5 providing for permits for construction or
6 alteration of elevators and similar
7 conveyances; creating s. 399.049, F.S.;
8 providing for licenses and certificates of
9 competency; providing for disciplinary action;
10 amending s. 399.061, F.S.; providing for annual
11 inspections and fees; amending ss. 399.07,
12 399.10, 399.105, F.S.; revising administrative
13 fines and fee-setting procedures; conforming
14 provisions; creating s. 399.106, F.S.; creating
15 the Elevator Safety Technical Advisory
16 Committee; providing for its membership and
17 authority; amending s. 399.11, 399.125, 399.13,
18 F.S.; conforming provisions; repealing s.
19 399.045, F.S., which provides for a certificate
20 of competency; repealing s. 399.05, F.S., which
21 provides for construction permits; amending
22 489.509,

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