

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Representative(s) Berfield offered the following:

Amendment to Amendment (901589) (with title amendment)

On page 4, line 12,
remove from the amendment: all of said line
and insert in lieu thereof:

Section 2. Effective May 1, 2002, section 399.001,
Florida Statutes, is created to read:

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

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

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

7 Section 3. Effective May 1, 2002, section 399.01,
8 Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

1 ~~Regulation.~~

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

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

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

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

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

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

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

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

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

30 (7) "Elevator inspector" means a person, as defined in
31 ASME QEI as an inspector who possesses an elevator inspector's

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

1 certificate of competency in accordance with this chapter.

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

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

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

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

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

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

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

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

1 It entitles the holder to engage in the business of inspecting
2 elevators or related conveyances covered by this chapter.

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

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

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

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

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

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

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

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

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

1 ~~(22)(7)~~ "Service maintenance contract" means a
2 contract that provides for routine examination, lubrication,
3 cleaning, adjustment, replacement of parts, and performance of
4 applicable code-required safety tests such as on a traction
5 elevator and annual relief pressure test on a hydraulic
6 elevator and any other service, repair, and maintenance
7 sufficient to ensure the safe operation of the elevator.

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

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

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

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

1 Section 4. Effective May 1, 2002, section 399.02,
2 Florida Statutes, is amended to read:

3 399.02 General requirements.--

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

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

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

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

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

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

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

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

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

1 (q) Hand-operated dumbwaiters.

2 (r) Sewage pump station lifts.

3 (s) Automobile parking lifts.

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

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

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

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

20 (5)(4)(a) The construction permitholder is responsible
21 for the correction of violations and deficiencies until the
22 elevator has been inspected and a certificate of operation has
23 been issued by the department division. The construction
24 permitholder is responsible for all tests of new and altered
25 equipment until the elevator has been inspected and a
26 certificate of operation has been issued by the department
27 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
31 by the department division. The responsibilities of the

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

1 elevator owner may be assigned by lease.

2 (c) The elevator owner shall report to the department
3 ~~division~~ 60 days before the expiration of the certificate of
4 operation whether there exists a service maintenance contract,
5 with whom the contract exists, and the details concerning the
6 provisions and implementation of the contract which the
7 department ~~division~~ requires. The department ~~division~~ shall
8 keep the names of companies with whom the contract exists
9 confidential pursuant to the public records exemption provided
10 in s. 119.14(4)(b)3. This annual contract report must be made
11 on forms supplied by the department ~~division~~. The elevator
12 owner must report any material change in the service
13 maintenance contract no fewer than 30 days before the
14 effective date of the change. The department ~~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 department ~~division~~ a certificate of
20 comprehensive general liability insurance evidencing coverage
21 limits in the minimum amounts of \$100,000 per person and
22 \$300,000 per occurrence and the name of at least one employee
23 who holds a current certificate of competency issued under s.
24 399.049 ~~s. 399.045~~.

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

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

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

9 Section 5. Effective May 1, 2002, section 399.03,
10 Florida Statutes, is amended to read:

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

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

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

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

27 (a) 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.

31 (b) The permit was issued in error and not in

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

1 accordance with the code or rules.

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

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

8 (4) A permit expires if:

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

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

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

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

1 first-time registration for a new installation. Elevators,
2 including stairway chairlifts, and inclined or vertical
3 wheelchair lifts located in private residences are not
4 required to obtain a certificate of operation under this
5 chapter.

6 (6) A certificate of operation expires July 31 of each
7 year and must be renewed prior to continued use of the
8 conveyance. 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 (7) 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~~
31 ~~were in effect at the time of receipt of the application for~~

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

1 ~~the construction permit for the change in classification.~~

2 Section 6. Effective May 1, 2002, section 399.049,
3 Florida Statutes, is created to read:

4 399.049 Certificate of competency.--

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

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

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

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

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

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

1 personal injury, and property damage insurance, as required by
2 department rule; and any other information the department
3 requires.

4 (2) QUALIFICATIONS OF ELEVATOR MECHANIC.--A
5 certificate of competency may not be granted to any person who
6 has not proven his or her qualifications and abilities as
7 provided by rule, including, but not limited to, the
8 following:

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

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

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

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

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

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

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

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

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

29 (a) When the division receives an application it may
30 issue a certificate of competency that is renewable every 4
31 years. The department shall set by rule the fee for a

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

1 certificate of competency and any renewal thereafter.

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

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

30 2. Continuing education courses shall be taught by
31 instructors through continuing education providers that may

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

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

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

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

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

1 the approval required under this section.

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

8 (a) Any false statement as to a material matter in the
9 application.

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

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

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

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

21 Section 7. Effective May 1, 2002, section 399.061,
22 Florida Statutes, is amended to read:

23 399.061 Inspections; correction of deficiencies.--

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

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

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

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

15 (2) The department division shall employ state
16 elevator inspectors to conduct the inspections and tests
17 required by subsection (1) and may charge an inspection fee
18 for each inspection 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
21 department division.

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

30 (4) When the department division determines that an
31 elevator is in violation of this chapter, the department

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

1 ~~division~~ may issue an order to the elevator owner requiring
2 correction of the violation.

3 Section 8. Effective May 1, 2002, section 399.07,
4 Florida Statutes, is amended to read:

5 399.07 Certificates of operation; temporary operation
6 permits; fees.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 Section 9. Effective May 1, 2002, section 399.10,
17 Florida Statutes, is amended to read:

18 399.10 Enforcement of law.--It shall be the duty of
19 the department ~~division~~ to enforce the provisions of this
20 chapter. The department ~~division~~ shall have rulemaking
21 authority to carry out the provisions of this chapter.

22 Section 10. Effective May 1, 2002, section 399.105,
23 Florida Statutes, is amended to read:

24 399.105 Administrative fines.--

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

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

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

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

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

21 (5) All administrative fines collected shall be
22 deposited into the Operational ~~Hotel and Restaurant~~ Trust
23 Fund.

24 Section 11. Effective May 1, 2002, section 399.106,
25 Florida Statutes, is created to read:

26 399.106 Elevator Safety Technical Advisory
27 Committee.--

28 (1) The Elevator Safety Technical Advisory Committee
29 is created within the Florida Building Commission of the
30 Department of Community Affairs, consisting of nine members to
31 be appointed by the commission as follows: one representative

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

1 from a major elevator manufacturing company or its authorized
2 representative; one representative from an elevator servicing
3 company; one representative from a building design profession;
4 one representative of the general public; one representative
5 of a local government in this state; one representative of a
6 building owner or manager; one representative of labor
7 involved in the installation, maintenance, and repair of
8 elevators; one representative of an inspection service
9 company; and one representative of the Elevator Association of
10 Florida, Inc.

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 chair.

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.

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

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; and the
7 Standards for the Qualification of Elevator Inspectors, ASME
8 QEI-1.

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 onsite
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

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

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 12. Effective May 1, 2002, section 399.11,
5 Florida Statutes, is 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 13. Effective May 1, 2002, section 399.125,
17 Florida Statutes, is 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 Section 14. Effective May 1, 2002, section 399.13,

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

1 Florida Statutes, is amended to read:

2 399.13 Delegation of authority to municipalities or
3 counties.--

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

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

29 Section 15. Effective May 1, 2002, sections 399.045
30 and 399.05, Florida Statutes, are repealed.

31 Section 16. Effective May 1, 2002, the regulation of

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

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

13 Section 17. Except as otherwise provided herein, this
 14 act shall take effect July 1, 2001.

15
 16

17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 On page 4, lines 21-26, of the amendment
 20 remove: all of said lines

21

22 and insert in lieu thereof:

23 An act relating to regulation of professions;
 24 amending s. 489.111, F.S.; providing
 25 eligibility requirements to take the licensure
 26 examination for the swimming pool/spa servicing
 27 contractor's license; creating s. 399.001,
 28 F.S.; creating the "Elevator Safety Act";
 29 amending s. 399.01, F.S.; defining terms;
 30 amending ss. 399.02, 399.03, F.S.; providing
 31 regulatory standards for elevators and similar

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

1 conveyances under the jurisdiction of the
2 Department of Community Affairs; providing for
3 permits for construction or alteration of
4 elevators and similar conveyances; creating s.
5 399.049, F.S.; providing for licenses and
6 certificates of competency for elevator
7 contractors, elevator mechanics, and elevator
8 inspectors; providing for qualifications, fees,
9 continuing education, and 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; transferring
22 the regulation of elevators from the Department
23 of Business and Professional Regulation to the
24 Department of Community Affairs; providing for
25 the continuance of judicial and administrative
26 actions; providing effective dates.

27
28
29
30
31