

751-118AXA-22

Bill No. CS/HB 1307

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

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

ORIGINAL STAMP BELOW

Representative(s) Benson offered the following:

Amendment (with title amendment)

On page 12, line 19,
remove: all of said line

and insert:

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

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

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

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

(2)~~(3)~~ "Certificate of operation" means a document issued by the department which indicates that the conveyance has had the required safety inspection and tests and that fees

1 have been paid as provided in this chapter.

2 ~~(3)~~(4) "Conveyance" means an elevator, dumbwaiter,
3 escalator, moving sidewalk, platform lift, or ~~and~~ stairway
4 chairlift.

5 ~~(4)~~(5) "Department" means the Department of Business
6 and Professional Regulation.

7 ~~(5)~~(6) "Division" means the Division of Hotels and
8 Restaurants of the Department of Business and Professional
9 Regulation.

10 ~~(6)~~(7) "Elevator" means one of the following
11 mechanical devices:

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

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

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

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

24 (e) An inclined stairway chairlift, which is a device
25 used to transport physically handicapped persons over
26 architectural barriers.

27 (f) An inclined or vertical wheelchair lift, which is
28 a device used to transport wheelchair handicapped persons over
29 architectural barriers.

30 ~~(8) "Escalator" means an installation defined as an~~
31 ~~escalator in the Florida Building Code.~~

1 ~~(7)(9)~~ "Existing installation" means an installation
2 defined as an "installation, existing" in the Florida Building
3 Code.

4 ~~(8)(10)~~ "Elevator Safety Technical Advisory Committee"
5 means the committee appointed by the secretary of the
6 Department of Business and Professional Regulation.

7 ~~(9)(11)~~ "Private residence" means a separate dwelling
8 or a separate apartment in a multiple dwelling which is
9 occupied by members of a single-family unit.

10 ~~(10)(12)~~ "Service maintenance contract" means a
11 contract that provides for routine examination, lubrication,
12 cleaning, adjustment, replacement of parts, and performance of
13 applicable code-required safety tests such as on a traction
14 elevator and annual relief pressure test on a hydraulic
15 elevator and any other service, repair, and maintenance
16 sufficient to ensure the safe operation of the elevator. A
17 service maintenance contract shall be made available upon
18 request of the department for purposes of oversight and
19 monitoring.

20 ~~(11)(13)~~ "Temporarily dormant conveyance" means a
21 conveyance whose power supply has been disconnected by
22 removing fuses and placing a padlock on the mainline
23 disconnect switch in the "OFF" position. The car is parked,
24 and the hoistway doors are in the closed and latched position.
25 A wire seal is installed on the mainline disconnect switch by
26 a certified ~~certificate of competency~~ elevator inspector. This
27 conveyance installation may not be used again until it has
28 been put in safe running order and is in condition for use.
29 Annual inspections shall continue for the duration of the
30 temporarily dormant status by a certified ~~certificate of~~
31 ~~competency~~ elevator inspector. The temporarily dormant status

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1 is renewable on an annual basis and may not exceed a 5-year
 2 period. The inspector shall file a report with the department
 3 ~~chief elevator inspector~~ describing the current conditions.

4 The wire seal and padlock may not be removed for any purpose
 5 without permission from the department ~~elevator inspector~~.

6 (12)(14) "Temporary operation inspection permit" means
 7 an inspection performed by a certified elevator inspector, the
 8 successful passage of a document issued by the department
 9 which permits the temporary use of a noncompliant vertical
 10 conveyance as provided by rule.

11 (13)(15) "Registered elevator company" means an entity
 12 registered with and authorized by the division employing
 13 persons to construct, install, inspect, maintain, or repair
 14 any vertical conveyance. Each registered elevator company must
 15 annually register with the division and maintain general
 16 liability insurance coverage in the minimum amounts set by
 17 rule ~~the division~~.

18 (14)(16) "Certified elevator inspector" is a natural
 19 person registered with and authorized by the division to
 20 construct, install, inspect, maintain, or repair any vertical
 21 conveyance, after having properly acquired the qualified
 22 elevator inspector credential as prescribed by the American
 23 Society of Mechanical Engineers. Each certified elevator
 24 inspector must annually register with the division and provide
 25 ~~from the National Association of Elevator Safety Authorities.~~
 26 ~~Such person shall remain so authorized by the division only~~
 27 ~~upon providing annual proof of completion of 8 hours of~~
 28 ~~continuing education, proof that and the qualified elevator~~
 29 ~~inspector credential remains in good standing, and proof of~~
 30 ~~with the National Association of Elevator Safety Authorities.~~
 31 ~~A licensed mechanical engineer whose license is in good~~

1 ~~standing may be authorized as a certified elevator inspector~~
2 ~~annually register with the division and maintain general~~
3 ~~liability insurance coverage in the minimum amounts set by the~~
4 ~~division.~~

5 (15)~~(17)~~ "Certified elevator technician" means a
6 natural person authorized by the division to construct,
7 install, maintain, or repair any vertical conveyance, after
8 having been issued an elevator certificate of competency by
9 the division. Each certified elevator technician must annually
10 register with the division and be covered by ~~maintain~~ general
11 liability insurance coverage in the minimum amounts set by the
12 division.

13 (16)~~(18)~~ "Elevator helper" means a natural person
14 performing work under the direct supervision of an elevator
15 certificate of competency holder ~~a certified elevator~~
16 ~~inspector or an elevator technician~~ to construct, install,
17 maintain, or repair any vertical conveyance.

18 (17)~~(19)~~ "Elevator certificate of competency" means a
19 credential issued by the division to any individual natural
20 person successfully completing an examination as prescribed by
21 rule and paying a nonrefundable fee of \$50. Such credential
22 shall be valid for and expire at the end of 1 year, and may be
23 renewed by the division when the division receives proof of
24 the elevator certificate of competency holder's completion of
25 8 hours of continuing education from a provider approved by
26 the department and a nonrefundable renewal fee of \$50. The
27 department shall adopt by rule criteria for providing approval
28 and procedures for continuing education reporting.

29 (a) An elevator certificate of competency may be
30 issued only if the applicant meets the following requirements:

31 1. Four years' work experience in the construction,

1 maintenance, service, and repair of conveyances covered by
2 this chapter. This experience shall be verified by current or
3 previously registered elevator companies as required by the
4 division.

5 2. One of the following:

6 a. Proof of completion and successful passage of a
7 written examination administered by the division or a provider
8 approved by the division under standards it adopted by rule.

9 b. Proof of completion of an apprenticeship program
10 for elevator mechanics which has standards substantially
11 equivalent to those found in a national training program for
12 elevator mechanics and is registered with the Bureau of
13 Apprenticeship and Training of the United States Department of
14 Labor or a state apprenticeship authority.

15 c. Proof of licensure or certification by a state or
16 local jurisdiction in the United States having standards
17 substantially equal to or more stringent than those of this
18 chapter.

19 (b) A licensed mechanical engineer whose license is in
20 good standing may be granted an elevator certificate of
21 competency.

22
23 All other building transportation terms are defined in the
24 current Florida Building Code.

25 Section 3. Subsections (1) and (5) of section 399.02,
26 Florida Statutes, are amended to read:

27 399.02 General requirements.--

28 (1) The Elevator Safety Technical Advisory Committee
29 shall develop and submit to the Director of Hotels and
30 Restaurants proposed ~~regarding~~ revisions to the elevator
31 safety code so that it is the same as or similar to the latest

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1 ~~editions~~ versions of ASME A17.1, ASME A17.3, and ASME A18.1.

2 (5)(a) The construction permitholder is responsible
3 for the correction of violations and deficiencies until the
4 elevator has been inspected and a certificate of operation has
5 been issued by the department. The construction permitholder
6 is responsible for all tests of new and altered equipment
7 until the elevator has been inspected and a certificate of
8 operation has been issued by the department.

9 (b) The elevator owner is responsible for the safe
10 operation, ~~and~~ proper maintenance, and inspection and
11 correction of code deficiencies of the elevator after ~~it has~~
12 ~~been inspected and~~ a certificate of operation has been issued
13 by the department. The responsibilities of the elevator owner
14 may be assigned by lease.

15 ~~(c) The elevator owner shall report to the department~~
16 ~~60 days before the expiration of the certificate of operation~~
17 ~~whether there exists a service maintenance contract, with whom~~
18 ~~the contract exists, and the details concerning the provisions~~
19 ~~and implementation of the contract which the department~~
20 ~~requires. The department shall keep the names of companies~~
21 ~~with whom the contract exists confidential pursuant to the~~
22 ~~public records exemption provided in s. 119.14(4)(b)3. This~~
23 ~~annual contract report must be made on forms supplied by the~~
24 ~~department. The elevator owner must report any material~~
25 ~~change in the service maintenance contract no fewer than 30~~
26 ~~days before the effective date of the change. The department~~
27 ~~shall determine whether the provisions of the service~~
28 ~~maintenance contract and its implementation ensure the safe~~
29 ~~operation of the elevator.~~

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

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

3 (1) A conveyance covered by this chapter may not be
4 erected, constructed, installed, or altered within buildings
5 or structures until unless a permit has been obtained from the
6 department ~~before the work is commenced~~. Permits must be
7 applied for by a registered elevator company and may only be
8 granted upon receipt and approval of an application to be made
9 on a form prescribed by the department, accompanied by proper
10 fees and a sworn statement by an agent of the registered
11 elevator company that the plans meet all applicable elevator
12 safety and building codes. Permits may be granted only to
13 registered elevator companies in good standing.When any
14 material alteration is made, the alteration device must
15 conform to applicable requirements of the Florida Building
16 Code and the provisions of this chapter for the alteration. ~~A~~
17 ~~permit required hereunder may not be issued except to a~~
18 ~~person, firm, or corporation holding a current elevator~~
19 ~~contractor's license issued under this chapter.~~ A copy of the
20 permit and plans must be kept at the construction site at all
21 times while the work is in progress and until a certificate of
22 operation is issued.

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

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

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

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

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

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

7 (4) A permit expires if:

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

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

17 (5) All new conveyance installations must be performed
18 by a registered elevator company ~~person to whom a license to~~
19 ~~install or service a conveyance has been issued. Subsequent to~~
20 ~~installation, the licensed person, firm, or company must~~
21 ~~certify compliance with the applicable sections of this~~
22 ~~chapter and the Florida Building Code. Before any vertical~~
23 ~~conveyance is used, except those in a private residence, it~~
24 ~~must be inspected by a certified elevator licensed inspector~~
25 ~~not employed, or associated, or having a conflict of interest~~
26 ~~with the elevator construction permitholder or elevator owner~~
27 ~~and certified as meeting the safety provisions of the Florida~~
28 ~~Building Code, including the performance of all required~~
29 ~~safety tests. The certified elevator inspector shall provide~~
30 ~~the original copy of the inspection report to the department~~
31 ~~within 5 days after the inspection. A certificate of operation~~

1 may not be issued until the permitholder provides an affidavit
2 signed by the construction supervisor attesting that the
3 supervisor directly supervised the construction or
4 installation of the elevator. ~~Upon successful inspection, the~~
5 ~~owner or lessee must apply to the department for a certificate~~
6 ~~of operation from the department. A fee as prescribed in this~~
7 ~~chapter must be paid for the certificate of operation. It is~~
8 ~~the responsibility of the licensed elevator construction~~
9 ~~permitholder to complete and submit a first-time registration~~
10 ~~for a new installation.~~ Vertical conveyances, including
11 stairway chairlifts, and inclined or vertical wheelchair lifts
12 located in private residences are not required to obtain a
13 certificate of operation under this chapter.

14 ~~(6) A certificate of operation expires July 31 of each~~
15 ~~year and must be renewed prior to continued use of the~~
16 ~~conveyance. A certificate of operation must be clearly~~
17 ~~displayed on or in each conveyance or in the machine room for~~
18 ~~use by and for the benefit of inspectors and code enforcement~~
19 ~~personnel. Certificates of operation may only be renewed for~~
20 ~~vertical conveyances having a current satisfactory inspection.~~

21 (6)(7) At the department's request, and to facilitate
22 oversight and monitoring, the permitholder shall notify the
23 department of the scheduled final inspection date and time for
24 purposes of acquiring a certificate of inspection, ~~in writing,~~
25 ~~at least 7 days before completion of the work and shall, in~~
26 ~~the presence of a licensed elevator inspector not associated~~
27 ~~with or employed by the installing company or contractor,~~
28 ~~subject the newly installed, relocated, or altered portions of~~
29 ~~the elevator to tests required to show that the elevator meets~~
30 ~~the applicable provisions of the Florida Building Code.~~

31 (7)(8) Each elevator shall comply with the edition of

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1 the Florida Building Code or Elevator Safety Code that was in
2 effect at the time of receipt of application for the
3 construction permit for the elevator.

4 ~~(8)(9)~~ Each alteration to, or relocation of, an
5 elevator shall comply with the edition of the Florida Building
6 Code or Elevator Safety Code that was in effect at the time of
7 receipt of the application for the construction permit for the
8 alteration or relocation.

9 ~~(9)(10)~~ When any change is made in the classification
10 of an elevator, the elevator shall comply with all of the
11 requirements of the version of the Florida Building Code or
12 Elevator Safety Code that were in effect at the time of
13 receipt of the application for the construction permit for the
14 change in classification.

15 (10)(a) The temporary use of an elevator during
16 installation or alteration is authorized for a period of 30
17 days after the completion of a satisfactory temporary
18 operation inspection. An additional 30-day period of temporary
19 use is authorized from the date of completion of each
20 additional satisfactory temporary operation inspection. A
21 satisfactory temporary operation inspection must satisfy the
22 following criteria: the elevator is tested under contract
23 load; the hoistway is fully enclosed; the hoistway doors and
24 interlocks are installed; the car is completely enclosed,
25 including door or gate and top; all electrical safety devices
26 are installed and properly functioning; and terminal stopping
27 equipment is in place for a safe runby and proper clearance.
28 When a car is provided with a temporary enclosure, the
29 operating means must be by constant pressure push-button or
30 lever-type switch. The car may not exceed the minimum safe
31 operating speed of the elevator, and the governor tripping

1 speed must be set in accordance with the operating speed of
2 the elevator.

3 (b) Temporary use is authorized only when a
4 satisfactory temporary operation inspection report, completed
5 within the last 30 days by a certified elevator inspector, and
6 a notice prescribed by the department, bearing a statement
7 that the elevator has not been finally approved by a certified
8 elevator inspector, are conspicuously posted in the elevator.

9 Section 5. Section 399.049, Florida Statutes, is
10 amended to read:

11 399.049 Disciplinary action ~~Certificate of~~
12 ~~competency.--~~

13 (1) ~~SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE~~
14 ~~OF COMPETENCY.--~~The department may suspend or revoke an
15 elevator inspector certification, an elevator company
16 registration, an elevator ~~a license or~~ certificate of
17 competency, or an elevator certificate of operation issued
18 under this chapter or impose an administrative penalty of up
19 to \$1,000 per violation upon any registered elevator company
20 ~~licensee~~ or certificateholder who commits any one or more of
21 the following violations:

22 (a) Any false statement as to a material matter in an
23 the application for registration, certification, or any permit
24 or certificate issued under this chapter.

25 (b) Fraud, misrepresentation, or bribery in the
26 practice of the profession ~~securing a license or certificate~~
27 ~~of competency.~~

28 (c) Failure by a certified elevator inspector to
29 provide notify the department and the certificate of operation
30 holder with a copy of the inspection report within 5 days
31 after the date of any inspection performed after the initial

1 certificate of operation is issued of a conveyance covered by
2 ~~this chapter that is not in compliance with the provisions of~~
3 ~~the elevator safety code incorporated into the Florida~~
4 ~~Building Code.~~

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

6 (2) ~~DISCIPLINARY ACTION.~~ Any disciplinary action
7 taken under this chapter must comply with chapter 120 and any
8 rules adopted thereunder.

9 Section 6. Section 399.061, Florida Statutes, is
10 amended to read:

11 399.061 Inspections; service maintenance contracts;
12 correction of deficiencies.--

13 (1)(a) All elevators or other conveyances subject to
14 this chapter must be annually inspected by a certified
15 elevator inspector ~~through a third-party inspection service,~~
16 or by a municipality or county under contract with the
17 division, pursuant to s. 399.13. If the elevator ~~or other~~
18 ~~conveyance is maintained pursuant to a service maintenance~~
19 ~~contract continuously in force, it shall be inspected at least~~
20 ~~once every 2 years by a certified elevator inspector who is~~
21 ~~not employed by or otherwise associated with the maintenance~~
22 ~~company; however, if the elevator is not an escalator or a~~
23 ~~dumbwaiter, serves only two adjacent floors, and is covered by~~
24 ~~a service maintenance contract, an inspection is not required~~
25 ~~so long as the service contract remains in effect. A statement~~
26 ~~verifying the existence, performance, and cancellation of each~~
27 ~~service maintenance contract must be filed annually with the~~
28 ~~division as prescribed by rule.~~

29 (b) A statement verifying the existence and
30 performance of each service maintenance contract must be filed
31 at least annually with the division and as prescribed by rule.

1 Cancellation of a service maintenance contract must be
2 reported to the division as prescribed by rule.~~The division~~
3 ~~may inspect an elevator whenever necessary to ensure its safe~~
4 ~~operation or when a third-party inspection service is not~~
5 ~~available for a routine inspection.~~

6 (2) The division may employ state inspectors to
7 inspect an elevator whenever necessary to ensure its safe
8 operation.The division may also employ state elevator
9 inspectors to conduct any the inspections as required by this
10 chapter subsection (1)and may charge a an inspection fee for
11 each inspection in an amount sufficient to cover the costs of
12 that inspection, as provided by rule, when a private certified
13 elevator inspector is not available. Each state elevator
14 inspector shall be properly qualified as a certified elevator
15 inspector ~~hold a certificate of competency issued by the~~
16 ~~division.~~

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

24 (4) When the division determines that an elevator is
25 in violation of this chapter or the Florida Building Code, the
26 division may issue an order to the elevator owner requiring
27 correction of the violation and reinspection of the elevator
28 evidencing the correction.

29 Section 7. Section 399.07, Florida Statutes, is
30 amended to read:

31 399.07 Certificates of operation; ~~temporary operation~~

1 ~~permits/fees.--~~

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

6 (1)(b) The certificate of operation is valid for a
7 period not to exceed 2 years and shall expire at the end of
8 the period of 1 year unless sooner suspended or revoked. The
9 department may adopt rules establishing a procedure for
10 certificate renewal. Certificates of operation may be renewed
11 only for vertical conveyances having a current satisfactory
12 inspection. The owner of an elevator operating with an expired
13 certificate of operation is in violation of this chapter.
14 Certificate of operation renewal applications received by the
15 department after the date of expiration of the last current
16 certificate must be accompanied by a late fee of \$50 in
17 addition to the annual renewal fee and any other fees required
18 by law. The department shall adopt by rule a fee schedule for
19 the renewal of certificates of operation. The fees must be
20 deposited into the Hotel and Restaurant Trust Fund.~~The~~
21 ~~department shall by rule adopt a fee schedule for the renewal~~
22 ~~of certificates of operation. The renewal period commences on~~
23 ~~August 1 of each year.~~

24 (2)(c) The certificate of operation must be posted in
25 a conspicuous location on the elevator and must be framed with
26 a transparent cover.

27 ~~(d) The department shall charge an annual fee for~~
28 ~~issuance of a certificate of operation in an amount to be set~~
29 ~~by rule. However, a renewal application for a certificate of~~
30 ~~operation filed with the department after expiration date of~~
31 ~~the certificate must be accompanied by a delinquency fee of~~

1 ~~\$50 in addition to the annual renewal fee and any other fees~~
2 ~~required by law. The fees must be deposited into the Hotel and~~
3 ~~Restaurant Trust Fund.~~

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

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

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

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

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

14 (6) The department may suspend any certificate of
15 operation if it finds that the elevator is not in compliance
16 with this chapter or of rules adopted under this chapter. The
17 suspension remains in effect until the department receives
18 satisfactory results of an inspection performed by a certified
19 elevator inspection indicating ~~determines, by inspection,~~ that
20 the elevator has been brought into compliance.

21 Section 8. Section 399.105, Florida Statutes, is
22 amended to read:

23 399.105 Administrative fines.--

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

31 (2) Any person who commences the operation,

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

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

17 (4) An elevator owner who fails to comply with an
18 order to correct issued under s. 399.061(4) within 30 ~~60~~ days
19 after its issuance is subject, in addition to any other
20 penalty provided by law, to an administrative fine ~~set by the~~
21 ~~department~~ in an amount not to exceed \$1,000.

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

24 Section 9. Subsection (2) of section 399.106, Florida
25 Statutes, is amended to read:

26 399.106 Elevator Safety Technical Advisory
27 Committee.--

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

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1 Section 10. Section 399.125, Florida Statutes, is
2 amended to read:

3 399.125 Reporting of elevator accidents ~~or incidents~~;
4 penalties.--Within 5 working days after any accident ~~or~~
5 ~~incident~~ occurring in or upon any elevator, the certificate of
6 operation holder shall report the accident ~~or incident~~ to the
7 division on a form prescribed by the division. Failure to
8 timely file this report is a violation of this chapter and
9 will subject the certificate of operation holder to an
10 administrative fine, to be imposed by the division, in an
11 amount not to exceed \$1,000.

12 Section 11. Section 399.13, Florida Statutes, is
13 amended to read:

14 399.13 Delegation of authority to municipalities or
15 counties.--

16 (1) The department may enter into contracts with
17 municipalities or counties under which such municipalities or
18 counties will issue construction permits, ~~temporary operation~~
19 ~~permits~~, and certificates of operation; will provide for
20 inspection of elevators, including temporary operation
21 inspections; and will enforce the applicable provisions of the
22 Florida Building Code, as required by this chapter. The
23 municipality or county may choose to require inspections to be
24 performed by its own inspectors or by private certified
25 elevator inspectors. Each such agreement shall include a
26 provision that the municipality or county shall maintain for
27 inspection by the department copies of all applications for
28 permits issued, a copy of each inspection report issued, and
29 proper records showing the number of certificates of operation
30 issued; shall include a provision that each required
31 inspection be conducted by a certified elevator inspector ~~the~~

1 ~~holder of a certificate of competency issued by the~~
2 ~~department~~; and may include such other provisions as the
3 department deems necessary.

4 (2) The department may make inspections of elevators
5 in such municipality or county for the purpose of determining
6 that the provisions of this chapter are being met and may
7 cancel the contract with any municipality or county which the
8 department finds has failed to comply with such contract or
9 the provisions of this chapter. The amendments to chapter 399
10 by this act shall apply only to the installation, relocation,
11 or alteration of an elevator for which a permit has been
12 issued after October 1, 1990.

13 Section 12. Section 553.509, Florida Statutes, is
14 amended to read:

15 553.509 Vertical accessibility.--Nothing in sections
16 553.501-553.513 or the guidelines, except 28 C.F.R. s. 36.403,
17 shall be construed to relieve the owner of any building,
18 structure, or facility governed by those sections from the
19 duty to provide vertical accessibility to all levels above and
20 below the occupiable grade level, regardless of whether the
21 guidelines require an elevator to be installed in such
22 building, structure, or facility, except for:

23 (1) Elevator pits, elevator penthouses, mechanical
24 rooms, piping or equipment catwalks, and automobile
25 lubrication and maintenance pits and platforms;

26 (2) Unoccupiable spaces, such as rooms, enclosed
27 spaces, and storage spaces that are not designed for human
28 occupancy, for public accommodations, or for work areas; and

29 (3) Occupiable spaces and rooms that are not open to
30 the public and that house no more than five persons,
31 including, but not limited to, equipment control rooms and

1 projection booths.

2

3 However, buildings, structures, and facilities must, as a
4 minimum, comply with the requirements in the Americans with
5 Disabilities Act Accessibility Guidelines.

6 Section 13. Effective May 1, 2003, paragraphs (c) and
7 (h) of subsection (1) of section 553.74, Florida Statutes, are
8 amended to read:

9 553.74 Florida Building Commission.--

10 (1) The Florida Building Commission is created and
11 shall be located within the Department of Community Affairs
12 for administrative purposes. Members shall be appointed by the
13 Governor subject to confirmation by the Senate. The commission
14 shall be composed of 23 members, consisting of the following:

15 (c) One air-conditioning contractor or one mechanical
16 contractor certified to do business in this state and actively
17 engaged in the profession.

18 (h) One roofing ~~or, sheet metal, or air-conditioning~~
19 contractor certified to do business in this state and actively
20 engaged in the profession.

21 Section 14. Section 604.50, Florida Statutes, is
22 amended to read:

23 604.50 Nonresidential farm buildings.--Notwithstanding
24 any other law to the contrary, any nonresidential farm
25 building ~~located on a farm~~ is exempt from the Florida Building
26 Code and any county or municipal building code. For purposes
27 of this section, the term "nonresidential farm building" means
28 any building or support structure that is used for
29 agricultural purposes, located on a farm that is not used as a
30 residential dwelling, and that is located on land that is an
31 integral part of a farm operation or is classified as

1 agricultural land pursuant to s. 193.461. The term "farm" is
2 as defined in s. 823.14.

3 Section 15. Subsection (1) of section 627.0629,
4 Florida Statutes, as amended by chapter 2001-372, Laws of
5 Florida, is amended to read:

6 627.0629 Residential property insurance; rate
7 filings.--

8 (1) Effective June 1, 2002, a rate filing for
9 residential property insurance must include actuarially
10 reasonable discounts, credits, or other rate differentials, or
11 appropriate reductions in deductibles, for properties on which
12 fixtures or construction techniques demonstrated to reduce the
13 amount of loss in a windstorm have been installed or
14 implemented. The fixtures or construction techniques shall
15 include, but not be limited to, fixtures or construction
16 techniques which enhance roof strength, roof covering
17 performance, roof-to-wall strength,
18 wall-to-floor-to-foundation strength, opening protection, and
19 window, door, and skylight strength. Credits, discounts, or
20 other rate differentials for fixtures and construction
21 techniques which meet the minimum requirements of the Florida
22 Building Code must be included in the rate filing. All
23 insurance companies must make a rate filing which includes the
24 credits, discounts, or other rate differentials by February
25 28, 2003.

26 Section 16. (1) The Legislature directs the Florida
27 Building Commission to develop building code provisions that
28 may be added to the Florida Building Code to facilitate the
29 rehabilitation and use of existing structures. The commission
30 shall select from available national or international model
31 codes or the codes or code provisions adopted by another state

1 to form the foundation for the code provisions required by
2 this section.

3 (2) The commission shall seek consensus with fire
4 safety professionals, advocates for persons with disabilities,
5 representatives of the construction industry, land-use
6 planners, building officials, and others identified by the
7 commission as having an interest in building code provisions.
8 The commission may modify the selected model codes and
9 standards as needed to accommodate the specific needs of this
10 state.

11 (3) In conjunction with its code development
12 activities, the commission shall identify legislative changes
13 required to implement the code provisions developed pursuant
14 to subsections (1) and (2).

15 (4) The commission shall report the activities
16 undertaken in response to the requirements of this act to the
17 Legislature on or before January 1, 2003, as a part of the
18 annual report required by s. 553.77(1)(b), Florida Statutes.
19 Recommended code provisions and the legislative changes
20 required for implementation shall be attached as appendices to
21 the annual report.

22 Section 17. Except as otherwise provided herein, this
23 act shall take effect upon becoming a law.
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, line 29,
29 remove: providing an effective date.

30
31 and insert:

751-118AXA-22

Bill No. CS/HB 1307

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

1 amending s. 399.01, F.S.; revising and removing
2 definitions; requiring that elevator service
3 maintenance contracts be made available to the
4 Department of Business and Professional
5 Regulation upon request for oversight purposes;
6 revising qualifications for an elevator
7 certificate of competency; amending s. 399.02,
8 F.S.; providing that each elevator owner is
9 responsible for inspections and correction of
10 code deficiencies; eliminating a requirement
11 that the department review service maintenance
12 contracts and determine whether they ensure
13 safe operation; amending s. 399.03, F.S.;
14 revising requirements relating to the design,
15 installation, and alteration of conveyances;
16 providing additional requirements for issuance
17 of elevator permits; revising reporting
18 requirements; providing requirements for
19 temporary operation inspections; amending s.
20 399.049, F.S.; revising grounds for suspension
21 or revocation of certification or registration;
22 amending s. 399.061, F.S.; eliminating the
23 requirement that annual inspections be
24 conducted through third-party inspection
25 services; revising reporting requirements
26 relating to service maintenance contracts;
27 revising requirements relating to the
28 correction of violations; amending s. 399.07,
29 F.S.; extending the period of validity of
30 certificates of operation from 1 to 2 years;
31 revising fee provisions to conform; amending s.

1 399.105, F.S.; providing administrative fines
2 for violations relating to reporting, operating
3 a sealed elevator, and complying with
4 correction orders; eliminating a restriction on
5 the issuance of an administrative fine relating
6 to commencing installation without a
7 construction permit; amending s. 399.106, F.S.;
8 correcting a reference; amending s. 399.125,
9 F.S.; eliminating the requirement to report
10 elevator incidents; amending s. 399.13, F.S.;
11 allowing municipalities or counties that assume
12 elevator inspection duties to hire private
13 inspectors to conduct inspections; amending s.
14 553.509, F.S.; providing a federal exception to
15 vertical accessibility guidelines; amending s.
16 553.74, F.S.; revising the membership of the
17 Florida Building Commission; amending s.
18 604.50, F.S.; revising an exemption from the
19 Florida Building Code for nonresidential farm
20 buildings; amending s. 627.0629, F.S.; revising
21 timeframe for rate filing for residential
22 property insurance; requiring the Florida
23 Building Commission to develop building code
24 provisions to facilitate the rehabilitation and
25 use of existing structures; requiring the
26 commission to identify legislative changes
27 required to implement such code provisions;
28 requiring a report to the Legislature;
29 providing effective dates.

30
31