

563-173AXA-21

Bill No. CS/HB 155

Amendment No. \_\_\_\_ (for drafter's use only)

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

ORIGINAL STAMP BELOW

11 Representative(s) Trovillion offered the following:

**Amendment (with title amendment)**

14 Remove everything after the enacting clause

16 and insert:

17 Section 1. Paragraph (a) of subsection (2) and  
18 paragraph (c) of subsection (3) of section 509.032, Florida  
19 Statutes, are amended to read:

20 509.032 Duties.--

21 (2) INSPECTION OF PREMISES.--

22 (a) The division has responsibility and jurisdiction  
23 for all inspections required by this chapter. The division  
24 has responsibility for quality assurance. Each licensed  
25 establishment shall be inspected at least biannually, except  
26 for transient and nontransient apartments, which shall be  
27 inspected at least annually, and shall be inspected at such  
28 other times as the division determines is necessary to ensure  
29 the public's health, safety, and welfare. The division shall  
30 establish a system to determine inspection frequency. Public  
31 lodging units classified as resort condominiums or resort

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1 dwellings are not subject to this requirement, but shall be  
2 made available to the division upon request. If, during the  
3 inspection of a public lodging establishment classified for  
4 renting to transient or nontransient tenants, an inspector  
5 identifies vulnerable adults who appear to be victims of  
6 neglect, as defined in s. 415.102, or, in the case of a  
7 building that is not equipped with automatic sprinkler  
8 systems, tenants or clients who may be unable to self-preserve  
9 in an emergency, the division shall convene meetings with the  
10 following agencies as appropriate to the individual situation:  
11 the Department of Health, the Department of Elderly Affairs,  
12 the area agency on aging, the local fire marshal, the landlord  
13 and affected tenants and clients, and other relevant  
14 organizations, to develop a plan which improves the prospects  
15 for safety of affected residents and, if necessary, identifies  
16 alternative living arrangements such as facilities licensed  
17 under part II or part III of chapter 400.

18 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD  
19 SERVICE EVENTS.--The division shall:

20 (c) Administer a public notification process for  
21 temporary food service events and distribute educational  
22 materials that address safe food storage, preparation, and  
23 service procedures.

24 1. Sponsors of temporary food service events shall  
25 notify the division not less than 3 days prior to the  
26 scheduled event of the type of food service proposed, the time  
27 and location of the event, a complete list of food service  
28 vendors ~~vendor owners and operators~~ participating in the each  
29 event, the number of individual food service facilities each  
30 vendor will operate at the event, and the identification  
31 number of each food service vendor's current license as a

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1 ~~numbers of all public food service establishment or temporary~~  
2 ~~food service event licensee establishments participating in~~  
3 ~~each event.~~ Notification may be completed orally, by  
4 telephone, in person, or in writing. A public food service  
5 establishment or food service vendor may not use this  
6 notification process to circumvent the license requirements of  
7 this chapter.

8           2. The division shall keep a record of all  
9 notifications received for proposed temporary food service  
10 events and shall provide appropriate educational materials to  
11 the event sponsors, including the food-recovery brochure  
12 developed under s. 570.0725.

13           3.a. A public food service establishment or other food  
14 service vendor must obtain one of the following classes of a  
15 license from the division: an individual license, for a fee of  
16 no more than \$105, for each temporary food service event in  
17 which it participates; or an annual license, for a fee of no  
18 more than \$1,000, that entitles the licensee to participate in  
19 an unlimited number of food service events during the license  
20 period. The division shall establish license fees, by rule,  
21 and may limit the number of food service facilities a licensee  
22 may operate at a particular temporary food service event under  
23 a single license.

24           b. Public food service establishments holding current  
25 licenses from the division may operate under the regulations  
26 of such a license at temporary food service events of 3 days  
27 or less in duration.

28           Section 2. Subsection (1) of section 509.036, Florida  
29 Statutes, is amended to read:

30           509.036 Public food service inspector  
31 standardization.--

- 1 (1) Any person performing required inspections of
- 2 licensed public food service establishments for the division
- 3 or its agent must:
- 4 (a) Be standardized by a food service evaluation
- 5 officer certified by the federal Food and Drug Administration;
- 6 (b) Pass an approved ~~the~~ food protection practices
- 7 test as prescribed by s. 509.039; and
- 8 (c) Pass a written examination to demonstrate
- 9 knowledge of the laws and rules which regulate public food
- 10 service establishments.

11 Section 3. Section 509.039, Florida Statutes, is  
 12 amended to read:

13 509.039 Food service manager certification.--It is the  
 14 duty of the division to adopt, by rule, food safety protection  
 15 standards for the training and certification of all food  
 16 service managers who are responsible for the storage,  
 17 preparation, display, or serving of foods to the public in  
 18 establishments regulated under this chapter. The standards  
 19 adopted by the division shall be consistent with the Standards  
 20 for Accreditation of Food Protection Manager Certification  
 21 Programs adopted by the Conference for Food Protection. These  
 22 standards are to be adopted by the division to ensure that,  
 23 upon successfully passing a test approved by the Conference  
 24 for Food Protection, a manager of a food service establishment  
 25 shall have demonstrated a knowledge of basic food protection  
 26 practices. The division may contract with an organization  
 27 offering a training and certification program that complies  
 28 with division standards and results in a certification  
 29 recognized by the Conference for Food Protection ~~These~~  
 30 ~~standards shall also provide for a certification program which~~  
 31 ~~authorizes private or public agencies~~ to conduct an approved

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1 test and certify all test ~~the results of those tests~~ to the  
2 division. Other organizations offering programs that meet the  
3 same requirements may also conduct approved tests and shall  
4 certify all test results to the division. The division may  
5 charge the organization it contracts with a fee of not more  
6 than \$5 per certified test to cover the administrative costs  
7 of the division for the food services manager training and  
8 certification program. The fee for the test shall not exceed  
9 ~~\$50.~~ All managers employed by a food service establishment  
10 must have passed an approved ~~this~~ test and received a  
11 certificate attesting thereto. Managers have a period of 90  
12 days after employment to pass the required test. The ranking  
13 of food service establishments is also preempted to the state;  
14 provided, however, that any local ordinances establishing a  
15 ranking system in existence prior to October 1, 1988, may  
16 remain in effect.

17 Section 4. Subsections (1) and (2) of section 509.251,  
18 Florida Statutes, are amended to read:

19 509.251 License fees.--

20 (1) The division shall adopt, by rule, a schedule of  
21 fees to be paid by each public lodging establishment as a  
22 prerequisite to issuance or renewal of a license. Such fees  
23 shall be based on the number of rental units in the  
24 establishment. The aggregate fee per establishment charged any  
25 public lodging establishment but shall not exceed \$1,000;  
26 however, the fees described in paragraphs (a) and (b) may not  
27 be included as part of the aggregate fee subject to this cap.  
28 Resort condominium units within separate buildings or at  
29 separate locations but managed by one licensed agent may be  
30 combined in a single license application, and the division  
31 shall charge a license fee as if all units in the application

1 are in a single licensed establishment. Resort dwelling units  
2 may be licensed in the same manner as condominium units. The  
3 fee schedule shall require an establishment which applies for  
4 an initial license to pay the full license fee if application  
5 is made during the annual renewal period or more than 6 months  
6 prior to the next such renewal period and one-half of the fee  
7 if application is made 6 months or less prior to such period.  
8 The fee schedule shall include fees collected for the purpose  
9 of funding the Hospitality Education Program, pursuant to s.  
10 509.302, which are payable in full for each application  
11 regardless of when the application is submitted.

12 (a) Upon making initial application or an application  
13 for change of ownership, the applicant shall pay to the  
14 division a fee as prescribed by rule, not to exceed \$50, in  
15 addition to any other fees required by law, which shall cover  
16 all costs associated with initiating regulation of the  
17 establishment.

18 (b) A license renewal filed with the division within  
19 30 days after the expiration date shall be accompanied by a  
20 delinquent fee as prescribed by rule, not to exceed \$50, in  
21 addition to the renewal fee and any other fees required by  
22 law. A license renewal filed with the division more than 30  
23 but not more than 60 days after the expiration date shall be  
24 accompanied by a delinquent fee as prescribed by rule, not to  
25 exceed \$100, in addition to the renewal fee and any other fees  
26 required by law.

27 (2) The division shall adopt, by rule, a schedule of  
28 fees to be paid by each public food service establishment as a  
29 prerequisite to issuance or renewal of a license. The fee  
30 schedule shall prescribe a basic fee and additional fees based  
31 on seating capacity and services offered. The aggregate fee

1 per establishment charged any public food service  
2 establishment may not exceed \$400; however, the fees described  
3 in paragraphs (a) and (b) may not be included as part of the  
4 aggregate fee subject to this cap. The fee schedule shall  
5 require an establishment which applies for an initial license  
6 to pay the full license fee if application is made during the  
7 annual renewal period or more than 6 months prior to the next  
8 such renewal period and one-half of the fee if application is  
9 made 6 months or less prior to such period. The fee schedule  
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22 delinquent fee as prescribed by rule, not to exceed \$50, in  
23 addition to the renewal fee and any other fees required by  
24 law. A license renewal filed with the division more than 30  
25 but not more than 60 days after the expiration date shall be  
26 accompanied by a delinquent fee as prescribed by rule, not to  
27 exceed \$100, in addition to the renewal fee and any other fees  
28 required by law.

29 Section 5. Subsection (2) of section 509.291, Florida  
30 Statutes, is amended, and subsections (5) and (6) are added to  
31 said section, to read:

1           509.291 Advisory council.--

2           (2) The purpose of the advisory council is to promote  
3 better relations, understanding, and cooperation between such  
4 industries and the division; to suggest means of better  
5 protecting the health, welfare, and safety of persons using  
6 the services offered by such industries; to give the division  
7 the benefit of its knowledge and experience concerning the  
8 industries and individual businesses affected by the laws and  
9 rules administered by the division; ~~and~~ to promote and  
10 coordinate the development of programs to educate and train  
11 personnel for such industries; and to perform such other  
12 duties as prescribed by law.

13           (5) The secretary and the division shall periodically  
14 review with the advisory council the division's budget and  
15 financial status for the purpose of maintaining the financial  
16 stability of the division. The council shall make  
17 recommendations, when it deems appropriate, to the secretary  
18 and the division to ensure that adequate funding levels from  
19 fees, penalties, and other costs assessed by the division and  
20 paid by the industries it regulates are maintained.

21           (6) The division shall provide to the advisory council  
22 each year an annual internal audit of the financial records of  
23 the Hospitality Education Program for the purpose of  
24 permitting the advisory council to determine compliance with  
25 the provisions of s. 509.072(2).

26           Section 6. Subsection (3) of section 509.302, Florida  
27 Statutes, is amended to read:

28           509.302 Director of education, personnel, employment  
29 duties, compensation.--

30           (3) All public lodging establishments and all public  
31 food service establishments licensed under this chapter shall



1 pay an annual fee of no more than ~~\$10~~\$6 which shall be  
2 included in the annual license fee and which shall be used for  
3 the sole purpose of funding the Hospitality Education Program.

4 Section 7. Section 399.01, Florida Statutes, is  
5 amended to read:

6 399.01 Definitions.--As used in this chapter, the  
7 term:

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

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

15 (2)~~(3)~~ "Certificate of operation" means a document  
16 issued by the department which indicates that the conveyance  
17 has had the required safety inspection and tests and that fees  
18 have been paid as provided in this chapter.

19 (3)~~(4)~~ "Conveyance" means an elevator, dumbwaiter,  
20 escalator, moving sidewalk, platform lift, or ~~and~~ stairway  
21 chairlift.

22 (4)~~(5)~~ "Department" means the Department of Business  
23 and Professional Regulation.

24 (5)~~(6)~~ "Division" means the Division of Hotels and  
25 Restaurants of the Department of Business and Professional  
26 Regulation.

27 (6)~~(7)~~ "Elevator" means one of the following  
28 mechanical devices:

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

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

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

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

10 (e) An inclined stairway chairlift, which is a device  
11 used to transport physically handicapped persons over  
12 architectural barriers.

13 (f) An inclined or vertical wheelchair lift, which is  
14 a device used to transport wheelchair handicapped persons over  
15 architectural barriers.

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

18 (7)~~(9)~~ "Existing installation" means an installation  
19 defined as an "installation, existing" in the Florida Building  
20 Code.

21 (8)~~(10)~~ "Elevator Safety Technical Advisory Committee"  
22 means the committee appointed by the secretary of the  
23 Department of Business and Professional Regulation.

24 (9)~~(11)~~ "Private residence" means a separate dwelling  
25 or a separate apartment in a multiple dwelling which is  
26 occupied by members of a single-family unit.

27 (10)~~(12)~~ "Service maintenance contract" means a  
28 contract that provides for routine examination, lubrication,  
29 cleaning, adjustment, replacement of parts, and performance of  
30 applicable code-required safety tests such as on a traction  
31 elevator and annual relief pressure test on a hydraulic

1 elevator and any other service, repair, and maintenance  
2 sufficient to ensure the safe operation of the elevator. A  
3 service maintenance contract shall be made available upon  
4 request of the department for purposes of oversight and  
5 monitoring.

6 (11)(13) "Temporarily dormant conveyance" means a  
7 conveyance whose power supply has been disconnected by  
8 removing fuses and placing a padlock on the mainline  
9 disconnect switch in the "OFF" position. The car is parked,  
10 and the hoistway doors are in the closed and latched position.  
11 A wire seal is installed on the mainline disconnect switch by  
12 a certified ~~certificate of competency~~ elevator inspector. This  
13 conveyance installation may not be used again until it has  
14 been put in safe running order and is in condition for use.  
15 Annual inspections shall continue for the duration of the  
16 temporarily dormant status by a certified ~~certificate of~~  
17 ~~competency~~ elevator inspector. The temporarily dormant status  
18 is renewable on an annual basis and may not exceed a 5-year  
19 period. The inspector shall file a report with the department  
20 ~~chief elevator inspector~~ describing the current conditions.  
21 The wire seal and padlock may not be removed for any purpose  
22 without permission from the department ~~elevator inspector~~.

23 (12)(14) "Temporary operation inspection permit" means  
24 an inspection performed by a certified elevator inspector, the  
25 successful passage of a document issued by the department  
26 which permits the temporary use of a noncompliant vertical  
27 conveyance as provided by rule.

28 (13)(15) "Registered elevator company" means an entity  
29 registered with and authorized by the division employing  
30 persons to construct, install, inspect, maintain, or repair  
31 any vertical conveyance. Each registered elevator company must

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1 annually register with the division and maintain general  
2 liability insurance coverage in the minimum amounts set by  
3 rule the division.

4 (14)(16) "Certified elevator inspector" is a natural  
5 person registered with and authorized by the division to  
6 construct, install, inspect, maintain, or repair any vertical  
7 conveyance, after having properly acquired the qualified  
8 elevator inspector credential as prescribed by the American  
9 Society of Mechanical Engineers. Each certified elevator  
10 inspector must annually register with the division and provide  
11 ~~from the National Association of Elevator Safety Authorities.~~  
12 ~~Such person shall remain so authorized by the division only~~  
13 ~~upon providing annual proof of completion of 8 hours of~~  
14 ~~continuing education, proof that and the qualified elevator~~  
15 ~~inspector credential remains in good standing, and proof of~~  
16 ~~with the National Association of Elevator Safety Authorities.~~  
17 ~~A licensed mechanical engineer whose license is in good~~  
18 ~~standing may be authorized as a certified elevator inspector~~  
19 ~~by the division. Each certified elevator inspector must~~  
20 ~~annually register with the division and maintain general~~  
21 ~~liability insurance coverage in the minimum amounts set by the~~  
22 ~~division.~~

23 (15)(17) "Certified elevator technician" means a  
24 natural person authorized by the division to construct,  
25 install, maintain, or repair any vertical conveyance, after  
26 having been issued an elevator certificate of competency by  
27 the division. Each certified elevator technician must annually  
28 register with the division and be covered by ~~maintain~~ general  
29 liability insurance coverage in the minimum amounts set by the  
30 division.

31 (16)(18) "Elevator helper" means a natural person

1 performing work under the direct supervision of an elevator  
2 certificate of competency holder ~~a certified elevator~~  
3 ~~inspector or an elevator technician~~ to construct, install,  
4 maintain, or repair any vertical conveyance.

5 ~~(17)(19)~~ "Elevator certificate of competency" means a  
6 credential issued by the division to any individual natural  
7 person successfully completing an examination as prescribed by  
8 rule and paying a nonrefundable fee of \$50. Such credential  
9 shall be valid for and expire at the end of 1 year, and may be  
10 renewed by the division when the division receives proof of  
11 the elevator certificate of competency holder's completion of  
12 8 hours of continuing education from a provider approved by  
13 the department and a nonrefundable renewal fee of \$50. The  
14 department shall adopt by rule criteria for providing approval  
15 and procedures for continuing education reporting.

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

18 1. Four years' work experience in the construction,  
19 maintenance, service, and repair of conveyances covered by  
20 this chapter. This experience shall be verified by current or  
21 previously registered elevator companies as required by the  
22 division.

23 2. One of the following:

24 a. Proof of completion and successful passage of a  
25 written examination administered by the division or a provider  
26 approved by the division under standards it adopted by rule.

27 b. Proof of completion of an apprenticeship program  
28 for elevator mechanics which has standards substantially  
29 equivalent to those found in a national training program for  
30 elevator mechanics and is registered with the Bureau of  
31 Apprenticeship and Training of the United States Department of

1 Labor or a state apprenticeship authority.

2 c. Proof of licensure or certification by a state or  
3 local jurisdiction in the United States having standards  
4 substantially equal to or more stringent than those of this  
5 chapter.

6 (b) A licensed mechanical engineer whose license is in  
7 good standing may be granted an elevator certificate of  
8 competency.

9  
10 All other building transportation terms are defined in the  
11 current Florida Building Code.

12 Section 8. Subsections (1) and (5) of section 399.02,  
13 Florida Statutes, are amended to read:

14 399.02 General requirements.--

15 (1) The Elevator Safety Technical Advisory Committee  
16 shall develop and submit to the Director of Hotels and  
17 Restaurants proposed ~~regarding~~ revisions to the elevator  
18 safety code so that it is the same as or similar to the latest  
19 editions ~~versions~~ of ASME A17.1, ASME A17.3, and ASME A18.1.

20 (5)(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. The construction permitholder  
24 is responsible for all tests of new and altered equipment  
25 until the elevator has been inspected and a certificate of  
26 operation has been issued by the department.

27 (b) The elevator owner is responsible for the safe  
28 operation, and proper maintenance, and inspection and  
29 correction of code deficiencies of the elevator after ~~it has~~  
30 ~~been inspected and~~ a certificate of operation has been issued  
31 by the department. The responsibilities of the elevator owner

1 may be assigned by lease.

2 ~~(c) The elevator owner shall report to the department~~  
3 ~~60 days before the expiration of the certificate of operation~~  
4 ~~whether there exists a service maintenance contract, with whom~~  
5 ~~the contract exists, and the details concerning the provisions~~  
6 ~~and implementation of the contract which the department~~  
7 ~~requires. The department shall keep the names of companies~~  
8 ~~with whom the contract exists confidential pursuant to the~~  
9 ~~public records exemption provided in s. 119.14(4)(b)3. This~~  
10 ~~annual contract report must be made on forms supplied by the~~  
11 ~~department. The elevator owner must report any material~~  
12 ~~change in the service maintenance contract no fewer than 30~~  
13 ~~days before the effective date of the change. The department~~  
14 ~~shall determine whether the provisions of the service~~  
15 ~~maintenance contract and its implementation ensure the safe~~  
16 ~~operation of the elevator.~~

17 Section 9. Section 399.03, Florida Statutes, is  
18 amended to read:

19 399.03 Design, installation, and alteration of  
20 conveyances.--

21 (1) A conveyance covered by this chapter may not be  
22 erected, constructed, installed, or altered within buildings  
23 or structures until unless a permit has been obtained from the  
24 department ~~before the work is commenced.~~ Permits must be  
25 applied for by a registered elevator company and may only be  
26 granted upon receipt and approval of an application to be made  
27 on a form prescribed by the department, accompanied by proper  
28 fees and a sworn statement from an agent of the registered  
29 elevator company that the plans meet all applicable elevator  
30 safety and building codes. Permits may be granted only to  
31 registered elevator companies in good standing.When any

1 material alteration is made, the alteration device must  
2 conform to applicable requirements of the Florida Building  
3 Code and the provisions of this chapter for the alteration. A  
4 ~~permit required hereunder may not be issued except to a~~  
5 ~~person, firm, or corporation holding a current elevator~~  
6 ~~contractor's license issued under this chapter.~~ A copy of the  
7 permit and plans must be kept at the construction site at all  
8 times while the work is in progress and until a certificate of  
9 operation is issued.

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

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

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

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

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

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

25 (4) A permit expires if:

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

30 (b) The work is suspended or abandoned for a period of  
31 60 days, or such shorter period of time as the department may



1 specify at the time the permit is issued, after the work has  
2 been started. For good cause, the department may allow a  
3 discretionary extension for the foregoing period.

4 (5) All new conveyance installations must be performed  
5 by a registered elevator company person to whom a license to  
6 install or service a conveyance has been issued. Subsequent to  
7 installation, the licensed person, firm, or company must  
8 certify compliance with the applicable sections of this  
9 chapter and the Florida Building Code. Before any vertical  
10 conveyance is used, except those in a private residence, it  
11 must be inspected by a certified elevator licensed inspector  
12 not employed, or associated, or having a conflict of interest  
13 with the elevator construction permitholder or elevator owner  
14 and certified as meeting the safety provisions of the Florida  
15 Building Code, including the performance of all required  
16 safety tests. The certified elevator inspector shall provide  
17 the original copy of the inspection report to the department  
18 within 5 days after the inspection. A certificate of operation  
19 may not be issued until the permitholder provides an affidavit  
20 signed by the construction supervisor attesting that the  
21 supervisor directly supervised the construction or  
22 installation of the elevator. Upon successful inspection, the  
23 owner or lessee must apply to the department for a certificate  
24 of operation from the department. A fee as prescribed in this  
25 chapter must be paid for the certificate of operation. It is  
26 the responsibility of the licensed elevator construction  
27 permitholder to complete and submit a first-time registration  
28 for a new installation. Vertical conveyances, including  
29 stairway chairlifts, and inclined or vertical wheelchair lifts  
30 located in private residences are not required to obtain a  
31 certificate of operation under this chapter.

1           ~~(6) A certificate of operation expires July 31 of each~~  
 2 ~~year and must be renewed prior to continued use of the~~  
 3 ~~conveyance. A certificate of operation must be clearly~~  
 4 ~~displayed on or in each conveyance or in the machine room for~~  
 5 ~~use by and for the benefit of inspectors and code enforcement~~  
 6 ~~personnel. Certificates of operation may only be renewed for~~  
 7 ~~vertical conveyances having a current satisfactory inspection.~~

8           (6)(7) At the department's request, and to facilitate  
 9 oversight and monitoring, the permitholder shall notify the  
 10 department of the scheduled final inspection date and time for  
 11 purposes of acquiring a certificate of inspection, in writing,  
 12 at least 7 days before completion of the work and shall, in  
 13 the presence of a licensed elevator inspector not associated  
 14 with or employed by the installing company or contractor,  
 15 subject the newly installed, relocated, or altered portions of  
 16 the elevator to tests required to show that the elevator meets  
 17 the applicable provisions of the Florida Building Code.

18           (7)(8) Each elevator shall comply with the edition of  
 19 the Florida Building Code or Elevator Safety Code that was in  
 20 effect at the time of receipt of application for the  
 21 construction permit for the elevator.

22           (8)(9) Each alteration to, or relocation of, an  
 23 elevator shall comply with the edition of the Florida Building  
 24 Code or Elevator Safety Code that was in effect at the time of  
 25 receipt of the application for the construction permit for the  
 26 alteration or relocation.

27           (9)(10) When any change is made in the classification  
 28 of an elevator, the elevator shall comply with all of the  
 29 requirements of the version of the Florida Building Code or  
 30 Elevator Safety Code that were in effect at the time of  
 31 receipt of the application for the construction permit for the

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1 change in classification.

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

21       (b) Temporary use is authorized only when a  
22 satisfactory temporary operation inspection report, completed  
23 within the last 30 days by a certified elevator operator, and  
24 a notice prescribed by the department, bearing a statement  
25 that the elevator has not been finally approved by a certified  
26 elevator inspector, are conspicuously posted in the elevator.

27       Section 10. Section 399.049, Florida Statutes, is  
28 amended to read:

29       399.049 Disciplinary action ~~Certificate of~~  
30 ~~competency.--~~

31       (1) ~~SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE~~

1 ~~OF COMPETENCY.~~--The department may suspend or revoke an  
 2 elevator inspector certification, an elevator company  
 3 registration, an elevator ~~a license or~~ certificate of  
 4 competency, or an elevator certificate of operation issued  
 5 under this chapter or impose an administrative penalty of up  
 6 to \$1,000 per violation upon any registered elevator company  
 7 ~~licensee~~ or certificateholder who commits any one or more of  
 8 the following violations:

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

12 (b) Fraud, misrepresentation, or bribery in the  
 13 practice of the profession ~~securing a license or certificate~~  
 14 ~~of competency.~~

15 (c) Failure by a certified elevator inspector to  
 16 provide to notify the department and the certificate of  
 17 operation holder with a copy of the inspection report within 5  
 18 days after the date of any inspection performed after the  
 19 initial certificate of operation is issued ~~of a conveyance~~  
 20 ~~covered by this chapter that is not in compliance with the~~  
 21 ~~provisions of the elevator safety code incorporated into the~~  
 22 ~~Florida Building Code.~~

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

24 (2) ~~DISCIPLINARY ACTION.~~--Any disciplinary action  
 25 taken under this chapter must comply with chapter 120 and any  
 26 rules adopted thereunder.

27 Section 11. Section 399.061, Florida Statutes, is  
 28 amended to read:

29 399.061 Inspections; service maintenance contracts;  
 30 correction of deficiencies.--

31 (1)(a) All elevators or other conveyances subject to

1 this chapter must be annually inspected by a certified  
2 elevator inspector ~~through a third-party inspection service,~~  
3 or by a municipality or county under contract with the  
4 division, pursuant to s. 399.13. If the elevator ~~or other~~  
5 conveyance is maintained pursuant to a service maintenance  
6 contract continuously in force, it shall be inspected at least  
7 once every 2 years by a certified elevator inspector who is  
8 not employed by or otherwise associated with the maintenance  
9 company; however, if the elevator is not an escalator or a  
10 dumbwaiter, serves only two adjacent floors, and is covered by  
11 a service maintenance contract, an inspection is not required  
12 so long as the service contract remains in effect. ~~A statement~~  
13 ~~verifying the existence, performance, and cancellation of each~~  
14 ~~service maintenance contract must be filed annually with the~~  
15 ~~division as prescribed by rule.~~

16 (b) A statement verifying the existence and  
17 performance of each service maintenance contract must be filed  
18 at least annually with the division and as prescribed by rule.  
19 Cancellation of a service maintenance contract must be  
20 reported to the division as prescribed by rule. ~~The division~~  
21 ~~may inspect an elevator whenever necessary to ensure its safe~~  
22 ~~operation or when a third-party inspection service is not~~  
23 ~~available for a routine inspection.~~

24 (2) The division may employ state elevator inspectors  
25 to inspect an elevator whenever necessary to ensure its safe  
26 operation. ~~The division may also employ state elevator~~  
27 ~~inspectors to conduct any the inspections as required by this~~  
28 ~~chapter subsection (1) and may charge a an inspection fee for~~  
29 ~~each inspection in an amount sufficient to cover the costs of~~  
30 ~~that inspection, as provided by rule, when a private certified~~  
31 ~~elevator inspector is not available.~~ Each state elevator

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1 inspector shall be properly qualified as a certified elevator  
2 inspector ~~hold a certificate of competency issued by the~~  
3 ~~division.~~

4 (3) Whenever the division determines from the results  
5 of any inspection that, in the interest of the public safety,  
6 an elevator is in an unsafe condition, the division may seal  
7 the elevator or order the discontinuance of the use of the  
8 elevator until the division determines by inspection that such  
9 elevator has been satisfactorily repaired or replaced so that  
10 the elevator may be operated in a safe manner.

11 (4) When the division determines that an elevator is  
12 in violation of this chapter or the Florida Building Code, the  
13 division may issue an order to the elevator owner requiring  
14 correction of the violation and reinspection of the elevator  
15 evidencing the correction.

16 Section 12. Section 399.07, Florida Statutes, is  
17 amended to read:

18 399.07 Certificates of operation; ~~temporary operation~~  
19 ~~permits; fees.--~~

20 ~~(1)(a) A certificate of operation may not be issued~~  
21 ~~until the elevator company supervisor signs an affidavit~~  
22 ~~stating that the elevator company supervisor directly~~  
23 ~~supervised construction or installation of the elevator.~~

24 ~~(1)(b)~~ The certificate of operation is valid for a  
25 period not to exceed 2 years and shall expire at the end of  
26 the period of 1 year unless sooner suspended or revoked. The  
27 department may adopt rules establishing a procedure for  
28 certificate renewal. Certificates of operation may be renewed  
29 only for vertical conveyances having a current satisfactory  
30 inspection. The owner of an elevator operating with an expired  
31 certificate of operation is in violation of this chapter.

1 Certificate of operation renewal applications received by the  
2 department after the date of expiration of the last current  
3 certificate must be accompanied by a late fee of \$50 in  
4 addition to the renewal fee and any other fees required by  
5 law. The department shall adopt by rule a fee schedule for the  
6 renewal of certificates of operation. The fees must be  
7 deposited into the Hotel and Restaurant Trust Fund.~~The~~  
8 ~~department shall by rule adopt a fee schedule for the renewal~~  
9 ~~of certificates of operation. The renewal period commences on~~  
10 ~~August 1 of each year.~~

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

14 ~~(d)~~ The department shall charge an annual fee for  
15 ~~issuance of a certificate of operation in an amount to be set~~  
16 ~~by rule. However, a renewal application for a certificate of~~  
17 ~~operation filed with the department after expiration date of~~  
18 ~~the certificate must be accompanied by a delinquency fee of~~  
19 ~~\$50 in addition to the annual renewal fee and any other fees~~  
20 ~~required by law. The fees must be deposited into the Hotel and~~  
21 ~~Restaurant Trust Fund.~~

22 ~~(2)(a)~~ The department may issue a temporary operation  
23 ~~permit authorizing the temporary use of an elevator during~~  
24 ~~installation or alteration to an elevator company or general~~  
25 ~~contractor acting as a general agent of an elevator company. A~~  
26 ~~temporary operation permit may not be issued until the~~  
27 ~~elevator has been inspected by a state elevator inspector and~~  
28 ~~tested under contract load; the hoistway is fully enclosed;~~  
29 ~~the hoistway doors and interlocks are installed; the car is~~  
30 ~~completely enclosed, including door or gate and top; all~~  
31 ~~electrical safety devices are installed and properly~~

1 ~~functioning; and terminal stopping equipment is in place for a~~  
2 ~~safe runby and proper clearance. When a car is provided with a~~  
3 ~~temporary enclosure, the operating means must be by constant~~  
4 ~~pressure push button or lever-type switch. The car may not~~  
5 ~~exceed the minimum safe operating speed of the elevator, and~~  
6 ~~the governor tripping speed must be set in accordance with the~~  
7 ~~operating speed of the elevator.~~

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

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

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

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

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

26 (5) Except for as authorized by a temporary use  
27 authorized by this chapter operation permit, the operation or  
28 use of any newly installed, relocated, or altered elevator is  
29 prohibited until the elevator has passed the tests and  
30 inspections required by this chapter and a certificate of  
31 operation has been issued.



1           (6) The department may suspend any certificate of  
2 operation if it finds that the elevator is not in compliance  
3 with this chapter or of rules adopted under this chapter. The  
4 suspension remains in effect until the department receives  
5 satisfactory results of an inspection performed by a certified  
6 elevator inspector indicating ~~determines, by inspection,~~ that  
7 the elevator has been brought into compliance.

8           Section 13. Section 399.105, Florida Statutes, is  
9 amended to read:

10           399.105 Administrative fines.--

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

18           (2) Any person who commences the operation,  
19 installation, relocation, or alteration of any elevator for  
20 which a permit or certificate is required by this chapter  
21 without having obtained from the department the permit or  
22 certificate is subject to an administrative fine not greater  
23 than \$1,000 in addition to any other penalty provided by law.  
24 ~~No fine may be imposed under this subsection for commencing~~  
25 ~~installation without a construction permit if such permit is~~  
26 ~~issued within 60 days after the actual commencement of~~  
27 ~~installation.~~

28           (3) An elevator owner who continues to operate an  
29 elevator after notice to discontinue its use or after it has  
30 been sealed by the department is subject to an administrative  
31 fine not greater than \$1,000 for each day the elevator has

1 been operated after the service of the notice or sealing by  
2 the department, in addition to any other penalty provided by  
3 law.

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

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

11 Section 14. Subsection (2) of section 399.106, Florida  
12 Statutes, is amended to read:

13 399.106 Elevator Safety Technical Advisory  
14 Committee.--

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

19 Section 15. Section 399.125, Florida Statutes, is  
20 amended to read:

21 399.125 Reporting of elevator accidents ~~or incidents~~;  
22 penalties.--Within 5 working days after any accident ~~or~~  
23 ~~incident~~ occurring in or upon any elevator, the certificate of  
24 operation holder shall report the accident ~~or incident~~ to the  
25 division on a form prescribed by the division. Failure to  
26 timely file this report is a violation of this chapter and  
27 will subject the certificate of operation holder to an  
28 administrative fine, to be imposed by the division, in an  
29 amount not to exceed \$1,000.

30 Section 16. Section 399.13, Florida Statutes, is  
31 amended to read:

1           399.13 Delegation of authority to municipalities or  
2 counties.--

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

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

31           Section 17. This act shall take effect upon becoming a

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1 law.

2

3

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

5 And the title is amended as follows:

6 remove everything before the enacting clause

7

8 and insert:

9

A bill to be entitled

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An act relating to business regulation;

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amending s. 509.032, F.S.; providing for annual

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rather than biannual inspections of transient

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and nontransient apartments; revising notice

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and license requirements for temporary food

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service events; amending s. 509.036, F.S.;

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conforming a reference; amending s. 509.039,

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F.S.; revising requirements for testing and

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certification of food service managers,

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including fee requirements; amending s.

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509.251, F.S.; excluding certain fees from the

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maximum aggregate license fee for public food

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service establishments; amending s. 509.291,

23

F.S.; providing for increased coordination and

24

consultation among the Secretary of Business

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and Professional Regulation, the Division of

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Hotels and Restaurants, and the advisory

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council; amending s. 509.302, F.S.; increasing

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the annual fee collected for the purpose of

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funding the Hospitality Education Program;

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amending s. 399.01, F.S.; revising and removing

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definitions; requiring that elevator service

1 maintenance contracts be made available to the  
2 Department of Business and Professional  
3 Regulation upon request for oversight purposes;  
4 revising qualifications for an elevator  
5 certificate of competency; amending s. 399.02,  
6 F.S.; providing that each elevator owner is  
7 responsible for inspections and correction of  
8 code deficiencies; eliminating a requirement  
9 that the department review service maintenance  
10 contracts and determine whether they ensure  
11 safe operation; amending s. 399.03, F.S.;  
12 revising requirements relating to the design,  
13 installation, and alteration of conveyances;  
14 providing additional requirements for issuance  
15 of elevator permits; revising reporting  
16 requirements; providing requirements for  
17 temporary operation inspections; amending s.  
18 399.049, F.S.; revising grounds for suspension  
19 or revocation of certification or registration;  
20 amending s. 399.061, F.S.; eliminating the  
21 requirement that annual inspections be  
22 conducted through third-party inspection  
23 services; revising reporting requirements  
24 relating to service maintenance contracts;  
25 revising requirements relating to the  
26 correction of violations; amending s. 399.07,  
27 F.S.; extending the period of validity of  
28 certificates of operation from 1 to 2 years;  
29 revising fee provisions to conform; amending s.  
30 399.105, F.S.; providing administrative fines  
31 for violations relating to reporting, operating

1 a sealed elevator, and complying with  
2 correction orders; eliminating a restriction on  
3 the issuance of an administrative fine relating  
4 to commencing installation without a  
5 construction permit; amending s. 399.106, F.S.;  
6 correcting a reference; amending s. 399.125,  
7 F.S.; eliminating the requirement to report  
8 elevator incidents; amending s. 399.13, F.S.;  
9 allowing municipalities or counties that assume  
10 elevator inspection duties to hire private  
11 inspectors to conduct inspections; providing an  
12 effective date.

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