

By the Council for Smarter Government and Representative  
Trovillion

1                                   A bill to be entitled  
2           An act relating to business regulation;  
3           amending s. 509.032, F.S.; providing for annual  
4           rather than biannual inspections of transient  
5           and nontransient apartments; revising notice  
6           and license requirements for temporary food  
7           service events; amending s. 509.251, F.S.;  
8           excluding certain fees from the maximum  
9           aggregate license fee for public food service  
10          establishments; amending s. 509.291, F.S.;  
11          providing for increased coordination and  
12          consultation among the Secretary of Business  
13          and Professional Regulation, the Division of  
14          Hotels and Restaurants, and the advisory  
15          council; amending s. 509.302, F.S.; increasing  
16          the annual fee collected for the purpose of  
17          funding the Hospitality Education Program;  
18          amending s. 399.01, F.S.; revising and removing  
19          definitions; requiring that elevator service  
20          maintenance contracts be made available to the  
21          Department of Business and Professional  
22          Regulation upon request for oversight purposes;  
23          revising qualifications for an elevator  
24          certificate of competency; amending s. 399.02,  
25          F.S.; providing that each elevator owner is  
26          responsible for inspections and correction of  
27          code deficiencies; eliminating a requirement  
28          that the department review service maintenance  
29          contracts and determine whether they ensure  
30          safe operation; amending s. 399.03, F.S.;  
31          revising requirements relating to the design,

1 installation, and alteration of conveyances;  
2 providing additional requirements for issuance  
3 of elevator permits; revising reporting  
4 requirements; providing requirements for  
5 temporary operation inspections; amending s.  
6 399.049, F.S.; revising grounds for suspension  
7 or revocation of certification or registration;  
8 amending s. 399.061, F.S.; eliminating the  
9 requirement that annual inspections be  
10 conducted through third-party inspection  
11 services; revising reporting requirements  
12 relating to service maintenance contracts;  
13 revising requirements relating to the  
14 correction of violations; amending s. 399.07,  
15 F.S.; extending the period of validity of  
16 certificates of operation from 1 to 2 years;  
17 revising fee provisions to conform; amending s.  
18 399.105, F.S.; providing administrative fines  
19 for violations relating to reporting, operating  
20 a sealed elevator, and complying with  
21 correction orders; eliminating a restriction on  
22 the issuance of an administrative fine relating  
23 to commencing installation without a  
24 construction permit; amending s. 399.106, F.S.;  
25 correcting a reference; amending s. 399.125,  
26 F.S.; eliminating the requirement to report  
27 elevator incidents; amending s. 399.13, F.S.;  
28 allowing municipalities or counties that assume  
29 elevator inspection duties to hire private  
30 inspectors to conduct inspections; amending s.  
31 509.072, F.S.; requiring the department to

1           separately account for the funds collected for  
2           the inspection of elevators in the Hotel and  
3           Restaurant Trust Fund; providing an effective  
4           date.

5  
6 Be It Enacted by the Legislature of the State of Florida:

7  
8           Section 1. Paragraph (a) of subsection (2) and  
9 paragraph (c) of subsection (3) of section 509.032, Florida  
10 Statutes, are amended to read:

11           509.032 Duties.--

12           (2) INSPECTION OF PREMISES.--

13           (a) The division has responsibility and jurisdiction  
14 for all inspections required by this chapter. The division  
15 has responsibility for quality assurance. Each licensed  
16 establishment shall be inspected at least biannually, except  
17 for transient and nontransient apartments, which shall be  
18 inspected at least annually, and shall be inspected at such  
19 other times as the division determines is necessary to ensure  
20 the public's health, safety, and welfare. The division shall  
21 establish a system to determine inspection frequency. Public  
22 lodging units classified as resort condominiums or resort  
23 dwellings are not subject to this requirement, but shall be  
24 made available to the division upon request. If, during the  
25 inspection of a public lodging establishment classified for  
26 renting to transient or nontransient tenants, an inspector  
27 identifies vulnerable adults who appear to be victims of  
28 neglect, as defined in s. 415.102, or, in the case of a  
29 building that is not equipped with automatic sprinkler  
30 systems, tenants or clients who may be unable to self-preserve  
31 in an emergency, the division shall convene meetings with the

1 following agencies as appropriate to the individual situation:  
2 the Department of Health, the Department of Elderly Affairs,  
3 the area agency on aging, the local fire marshal, the landlord  
4 and affected tenants and clients, and other relevant  
5 organizations, to develop a plan which improves the prospects  
6 for safety of affected residents and, if necessary, identifies  
7 alternative living arrangements such as facilities licensed  
8 under part II or part III of chapter 400.

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

11 (c) Administer a public notification process for  
12 temporary food service events and distribute educational  
13 materials that address safe food storage, preparation, and  
14 service procedures.

15 1. Sponsors of temporary food service events shall  
16 notify the division not less than 3 days prior to the  
17 scheduled event of the type of food service proposed, the time  
18 and location of the event, a complete list of food service  
19 vendors ~~vendor owners and operators~~ participating in the each  
20 event, the number of individual food service facilities each  
21 vendor will operate at the event, and the identification  
22 number of each food service vendor's current license as a  
23 ~~numbers of all public food service establishment or temporary~~  
24 food service event licensee establishments participating in  
25 ~~each event~~. Notification may be completed orally, by  
26 telephone, in person, or in writing. A public food service  
27 establishment or food service vendor may not use this  
28 notification process to circumvent the license requirements of  
29 this chapter.

30 2. The division shall keep a record of all  
31 notifications received for proposed temporary food service

1 events and shall provide appropriate educational materials to  
2 the event sponsors, including the food-recovery brochure  
3 developed under s. 570.0725.

4       3.a. A public food service establishment or other food  
5 service vendor must obtain one of the following classes of a  
6 license from the division: an individual license, for a fee of  
7 no more than \$105, for each temporary food service event in  
8 which it participates; or an annual license, for a fee of no  
9 more than \$1,000, that entitles the licensee to participate in  
10 an unlimited number of food service events during the license  
11 period. The division shall establish license fees, by rule,  
12 and may limit the number of food service facilities a licensee  
13 may operate at a particular temporary food service event under  
14 a single license.

15       b. Public food service establishments holding current  
16 licenses from the division may operate under the regulations  
17 of such a license at temporary food service events of 3 days  
18 or less in duration.

19       Section 2. Subsections (1) and (2) of section 509.251,  
20 Florida Statutes, are amended to read:

21       509.251 License fees.--

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

1 combined in a single license application, and the division  
2 shall charge a license fee as if all units in the application  
3 are in a single licensed establishment. Resort dwelling units  
4 may be licensed in the same manner as condominium units. The  
5 fee schedule shall require an establishment which applies for  
6 an initial license to pay the full license fee if application  
7 is made during the annual renewal period or more than 6 months  
8 prior to the next such renewal period and one-half of the fee  
9 if application is made 6 months or less prior to such period.  
10 The fee schedule shall include fees collected for the purpose  
11 of funding the Hospitality Education Program, pursuant to s.  
12 509.302, which are payable in full for each application  
13 regardless of when the application is submitted.

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

20 (b) A license renewal filed with the division within  
21 30 days after the expiration date shall be accompanied by a  
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 (2) The division shall adopt, by rule, a schedule of  
30 fees to be paid by each public food service establishment as a  
31 prerequisite to issuance or renewal of a license. The fee

1 schedule shall prescribe a basic fee and additional fees based  
2 on seating capacity and services offered. The aggregate fee  
3 per establishment charged any public food service  
4 establishment may not exceed \$400; however, the fees described  
5 in paragraphs (a) and (b) may not be included as part of the  
6 aggregate fee subject to this cap. The fee schedule shall  
7 require an establishment which applies for an initial license  
8 to pay the full license fee if application is made during the  
9 annual renewal period or more than 6 months prior to the next  
10 such renewal period and one-half of the fee if application is  
11 made 6 months or less prior to such period. The fee schedule  
12 shall include fees collected for the purpose of funding the  
13 Hospitality Education Program, pursuant to s. 509.302, which  
14 are payable in full for each application regardless of when  
15 the application is submitted.

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

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

31

1           Section 3. Subsection (2) of section 509.291, Florida  
2 Statutes, is amended, and subsections (5) and (6) are added to  
3 said section, to read:

4           509.291 Advisory council.--

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

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

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

29           Section 4. Subsection (3) of section 509.302, Florida  
30 Statutes, is amended to read:

31



1           509.302 Director of education, personnel, employment  
2 duties, compensation.--

3           (3) All public lodging establishments and all public  
4 food service establishments licensed under this chapter shall  
5 pay an annual fee of no more than \$10~~\$6~~ which shall be  
6 included in the annual license fee and which shall be used for  
7 the sole purpose of funding the Hospitality Education Program.

8           Section 5. Section 399.01, Florida Statutes, is  
9 amended to read:

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

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

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

19           (2)~~(3)~~ "Certificate of operation" means a document  
20 issued by the department which indicates that the conveyance  
21 has had the required safety inspection and tests and that fees  
22 have been paid as provided in this chapter.

23           (3)~~(4)~~ "Conveyance" means an elevator, dumbwaiter,  
24 escalator, moving sidewalk, platform lift, or ~~and~~ stairway  
25 chairlift.

26           (4)~~(5)~~ "Department" means the Department of Business  
27 and Professional Regulation.

28           (5)~~(6)~~ "Division" means the Division of Hotels and  
29 Restaurants of the Department of Business and Professional  
30 Regulation.

31

1           (6)~~(7)~~ "Elevator" means one of the following  
2 mechanical devices:  
3           (a) A hoisting and lowering mechanism, equipped with a  
4 car and platform that moves in guide rails and serves two or  
5 more landings to transport material or passengers or both.  
6           (b) An escalator, which is a power-driven, inclined  
7 continuous stairway used for raising or lowering passengers.  
8           (c) A dumbwaiter, which is a hoisting and lowering  
9 mechanism equipped with a car of limited size which moves in  
10 guide rails and serves two or more landings.  
11           (d) A moving walk, which is a type of  
12 passenger-carrying device on which passengers stand or walk  
13 and in which the passenger-carrying surface remains parallel  
14 to its direction of motion and is uninterrupted.  
15           (e) An inclined stairway chairlift, which is a device  
16 used to transport physically handicapped persons over  
17 architectural barriers.  
18           (f) An inclined or vertical wheelchair lift, which is  
19 a device used to transport wheelchair handicapped persons over  
20 architectural barriers.  
21           ~~(8) "Escalator" means an installation defined as an~~  
22 ~~escalator in the Florida Building Code.~~  
23           (7)~~(9)~~ "Existing installation" means an installation  
24 defined as an "installation, existing" in the Florida Building  
25 Code.  
26           (8)~~(10)~~ "Elevator Safety Technical Advisory Committee"  
27 means the committee appointed by the secretary of the  
28 Department of Business and Professional Regulation.  
29           (9)~~(11)~~ "Private residence" means a separate dwelling  
30 or a separate apartment in a multiple dwelling which is  
31 occupied by members of a single-family unit.

1            (10)~~(12)~~ "Service maintenance contract" means a  
2 contract that provides for routine examination, lubrication,  
3 cleaning, adjustment, replacement of parts, and performance of  
4 applicable code-required safety tests such as on a traction  
5 elevator and annual relief pressure test on a hydraulic  
6 elevator and any other service, repair, and maintenance  
7 sufficient to ensure the safe operation of the elevator. A  
8 service maintenance contract shall be made available upon  
9 request of the department for purposes of oversight and  
10 monitoring.

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

28            (12)~~(14)~~ "Temporary operation inspection permit" means  
29 an inspection performed by a certified elevator inspector, the  
30 successful passage of a document issued by the department  
31

1 which permits the temporary use of a noncompliant vertical  
2 conveyance as provided by rule.

3 (13)~~(15)~~ "Registered elevator company" means an entity  
4 registered with and authorized by the division employing  
5 persons to construct, install, inspect, maintain, or repair  
6 any vertical conveyance. Each registered elevator company must  
7 annually register with the division and maintain general  
8 liability insurance coverage in the minimum amounts set by  
9 rule ~~the division~~.

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

29 (15)~~(17)~~ "Certified elevator technician" means a  
30 natural person authorized by the division to construct,  
31 install, maintain, or repair any vertical conveyance, after

1 having been issued an elevator certificate of competency by  
2 the division. Each certified elevator technician must annually  
3 register with the division and be covered by ~~maintain~~ general  
4 liability insurance coverage in the minimum amounts set by the  
5 division.

6 ~~(16)(18)~~ "Elevator helper" means a natural person  
7 performing work under the direct supervision of an elevator  
8 certificate of competency holder ~~a certified elevator~~  
9 ~~inspector or an elevator technician~~ to construct, install,  
10 maintain, or repair any vertical conveyance.

11 ~~(17)(19)~~ "Elevator certificate of competency" means a  
12 credential issued by the division to any individual natural  
13 person successfully completing an examination as prescribed by  
14 rule and paying a nonrefundable fee of \$50. Such credential  
15 shall be valid for and expire at the end of 1 year, and may be  
16 renewed by the division when the division receives proof of  
17 the elevator certificate of competency holder's completion of  
18 8 hours of continuing education from a provider approved by  
19 the department and a nonrefundable renewal fee of \$50. The  
20 department shall adopt by rule criteria for providing approval  
21 and procedures for continuing education reporting.

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

24 1. Four years' work experience in the construction,  
25 maintenance, service, and repair of conveyances covered by  
26 this chapter. This experience shall be verified by current or  
27 previously registered elevator companies as required by the  
28 division.

29 2. One of the following:  
30  
31

1           a. Proof of completion and successful passage of a  
2 written examination administered by the division or a provider  
3 approved by the division under standards it adopted by rule.

4           b. Proof of completion of an apprenticeship program  
5 for elevator mechanics which has standards substantially  
6 equivalent to those found in a national training program for  
7 elevator mechanics and is registered with the Bureau of  
8 Apprenticeship and Training of the United States Department of  
9 Labor or a state apprenticeship authority.

10           c. Proof of licensure or certification by a state or  
11 local jurisdiction in the United States having standards  
12 substantially equal to or more stringent than those of this  
13 chapter.

14           (b) A licensed mechanical engineer whose license is in  
15 good standing may be granted an elevator certificate of  
16 competency.

17  
18 All other building transportation terms are defined in the  
19 current Florida Building Code.

20           Section 6. Subsections (1) and (5) of section 399.02,  
21 Florida Statutes, are amended to read:

22           399.02 General requirements.--

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

28           (5)(a) The construction permitholder is responsible  
29 for the correction of violations and deficiencies until the  
30 elevator has been inspected and a certificate of operation has  
31 been issued by the department. The construction permitholder

1 is responsible for all tests of new and altered equipment  
2 until the elevator has been inspected and a certificate of  
3 operation has been issued by the department.

4 (b) The elevator owner is responsible for the safe  
5 operation, and proper maintenance, and inspection and  
6 correction of code deficiencies of the elevator after it ~~has~~  
7 ~~been inspected and~~ a certificate of operation has been issued  
8 by the department. The responsibilities of the elevator owner  
9 may be assigned by lease.

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

25 Section 7. Section 399.03, Florida Statutes, is  
26 amended to read:

27 399.03 Design, installation, and alteration of  
28 conveyances.--

29 (1) A conveyance covered by this chapter may not be  
30 erected, constructed, installed, or altered within buildings  
31 or structures until unless a permit has been obtained from the

1 department ~~before the work is commenced.~~ Permits must be  
2 applied for by a registered elevator company and may only be  
3 granted upon receipt and approval of an application to be made  
4 on a form prescribed by the department, accompanied by all of  
5 the following: proper fees; plans that have been sealed by an  
6 architect or engineer whose license is in good standing; and a  
7 statement from the architect or engineer attesting that the  
8 plans meet all applicable elevator safety and building codes.  
9 Permits may be granted only to registered elevator companies  
10 in good standing.When any material alteration is made, the  
11 alteration ~~device~~ must conform to applicable requirements of  
12 the Florida Building Code and the provisions of this chapter  
13 ~~for the alteration. A permit required hereunder may not be~~  
14 ~~issued except to a person, firm, or corporation holding a~~  
15 ~~current elevator contractor's license issued under this~~  
16 ~~chapter.~~ A copy of the permit and plans must be kept at the  
17 construction site at all times while the work is in progress  
18 and until a certificate of operation is issued.

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

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

22 (a) There are any false statements or  
23 misrepresentations as to the material facts in the  
24 application, plans, or specifications on which the permit was  
25 based.

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

28 (c) The work detailed under the permit is not being  
29 performed in accordance with the provisions of the  
30 application, plans, or specifications or with the code or  
31 conditions of the permit.



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

3 (4) A permit expires if:

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

8 (b) The work is suspended or abandoned for a period of  
9 60 days, or such shorter period of time as the department may  
10 specify at the time the permit is issued, after the work has  
11 been started. For good cause, the department may allow a  
12 discretionary extension for the foregoing period.

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

1 ~~owner or lessee must apply to the department for a certificate~~  
2 ~~of operation from the department. A fee as prescribed in this~~  
3 ~~chapter must be paid for the certificate of operation. It is~~  
4 ~~the responsibility of the licensed elevator construction~~  
5 ~~permitholder to complete and submit a first-time registration~~  
6 ~~for a new installation.~~ Vertical conveyances, including  
7 stairway chairlifts, and inclined or vertical wheelchair lifts  
8 located in private residences are not required to obtain a  
9 certificate of operation under this chapter.

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

17 (6)(7) At the department's request, and to facilitate  
18 oversight and monitoring, the permitholder shall notify the  
19 department of the scheduled final inspection date and time for  
20 purposes of acquiring a certificate of inspection, in writing,  
21 at least 7 days before completion of the work and shall, in  
22 the presence of a licensed elevator inspector not associated  
23 with or employed by the installing company or contractor,  
24 subject the newly installed, relocated, or altered portions of  
25 the elevator to tests required to show that the elevator meets  
26 the applicable provisions of the Florida Building Code.

27 (7)(8) Each elevator shall comply with the edition of  
28 the Florida Building Code or Elevator Safety Code that was in  
29 effect at the time of receipt of application for the  
30 construction permit for the elevator.

31

1           ~~(8)(9)~~ Each alteration to, or relocation of, an  
2 elevator shall comply with the edition of the Florida Building  
3 Code or Elevator Safety Code that was in effect at the time of  
4 receipt of the application for the construction permit for the  
5 alteration or relocation.

6           ~~(9)(10)~~ When any change is made in the classification  
7 of an elevator, the elevator shall comply with all of the  
8 requirements of the version of the Florida Building Code or  
9 Elevator Safety Code that were in effect at the time of  
10 receipt of the application for the construction permit for the  
11 change in classification.

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

31

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

7           Section 8. Section 399.049, Florida Statutes, is  
8 amended to read:

9           399.049 Disciplinary action ~~Certificate of~~  
10 ~~competency.--~~

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

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

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

26           (c) Failure by a certified elevator inspector to  
27 provide to notify the department and the certificate of  
28 operation holder with a copy of the inspection report within 5  
29 days after the date of any inspection performed after the  
30 initial certificate of operation is issued ~~of a conveyance~~  
31 ~~covered by this chapter that is not in compliance with the~~

1 ~~provisions of the elevator safety code incorporated into the~~  
2 ~~Florida Building Code.~~

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

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

7 Section 9. Section 399.061, Florida Statutes, is  
8 amended to read:

9 399.061 Inspections; service maintenance contracts;  
10 correction of deficiencies.--

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

27 (b) A statement verifying the existence and  
28 performance of each service maintenance contract must be filed  
29 at least annually with the division and as prescribed by rule.  
30 Cancellation of a service maintenance contract must be  
31 reported to the division as prescribed by rule. ~~The division~~

1 ~~may inspect an elevator whenever necessary to ensure its safe~~  
2 ~~operation or when a third-party inspection service is not~~  
3 ~~available for a routine inspection.~~

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

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

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

26       Section 10. Section 399.07, Florida Statutes, is  
27 amended to read:

28       399.07 Certificates of operation; ~~temporary operation~~  
29 ~~permits; fees.--~~

30       ~~(1)(a) A certificate of operation may not be issued~~  
31 ~~until the elevator company supervisor signs an affidavit~~

1 ~~stating that the elevator company supervisor directly~~  
2 ~~supervised construction or installation of the elevator.~~  
3 (1)(b) The certificate of operation is valid for a  
4 period not to exceed 2 years and shall expire at the end of  
5 the period of 1 year unless sooner suspended or revoked. The  
6 department may adopt rules establishing a procedure for  
7 certificate renewal. Certificates of operation may be renewed  
8 only for vertical conveyances having a current satisfactory  
9 inspection. The owner of an elevator operating with an expired  
10 certificate of operation is in violation of this chapter.  
11 Certificate of operation renewal applications received by the  
12 department after the date of expiration of the last current  
13 certificate must be accompanied by a late fee of \$50 in  
14 addition to the renewal fee and any other fees required by  
15 law. The department shall adopt by rule a fee schedule for the  
16 renewal of certificates of operation. The fees must be  
17 deposited into the Hotel and Restaurant Trust Fund.~~The~~  
18 ~~department shall by rule adopt a fee schedule for the renewal~~  
19 ~~of certificates of operation. The renewal period commences on~~  
20 ~~August 1 of each year.~~  
21 (2)(c) The certificate of operation must be posted in  
22 a conspicuous location on the elevator and must be framed with  
23 a transparent cover.  
24 ~~(d) The department shall charge an annual fee for~~  
25 ~~issuance of a certificate of operation in an amount to be set~~  
26 ~~by rule. However, a renewal application for a certificate of~~  
27 ~~operation filed with the department after expiration date of~~  
28 ~~the certificate must be accompanied by a delinquency fee of~~  
29 ~~\$50 in addition to the annual renewal fee and any other fees~~  
30 ~~required by law. The fees must be deposited into the Hotel and~~  
31 ~~Restaurant Trust Fund.~~

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

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

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

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

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



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

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

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

18           Section 11. Section 399.105, Florida Statutes, is  
19 amended to read:

20           399.105 Administrative fines.--

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

28           (2) Any person who commences the operation,  
29 installation, relocation, or alteration of any elevator for  
30 which a permit or certificate is required by this chapter  
31 without having obtained from the department the permit or

1 certificate is subject to an administrative fine not greater  
2 than \$1,000 in addition to any other penalty provided by law.  
3 ~~No fine may be imposed under this subsection for commencing~~  
4 ~~installation without a construction permit if such permit is~~  
5 ~~issued within 60 days after the actual commencement of~~  
6 ~~installation.~~

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

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

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

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

23 399.106 Elevator Safety Technical Advisory  
24 Committee.--

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

29 Section 13. Section 399.125, Florida Statutes, is  
30 amended to read:

31

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

10           Section 14. Section 399.13, Florida Statutes, is  
11 amended to read:

12           399.13 Delegation of authority to municipalities or  
13 counties.--

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

31

1 ~~department~~; and may include such other provisions as the  
2 department deems necessary.

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

12 Section 15. Subsection (1) of section 509.072, Florida  
13 Statutes, is amended to read:

14 509.072 Hotel and Restaurant Trust Fund; collection  
15 and disposition of moneys received.--

16 (1)(a) There is created a Hotel and Restaurant Trust  
17 Fund to be used for the administration and operation of the  
18 division and the carrying out of all laws and rules under the  
19 jurisdiction of the division pertaining to the construction,  
20 maintenance, and operation of public lodging establishments  
21 and public food service establishments, including the  
22 inspection of elevators as required under chapter 399. All  
23 funds collected by the division and the amounts paid for  
24 licenses and fees shall be deposited in the State Treasury  
25 into the Hotel and Restaurant Trust Fund.

26 (b) The department shall maintain a separate account  
27 in the Hotel and Restaurant Trust Fund for funds collected for  
28 the inspection of elevators as required under chapter 399. To  
29 the maximum extent possible, the department shall directly  
30 charge all expenses to the account for elevator inspections.  
31 For the purpose of this paragraph, direct charge expenses

1 include, but are not limited to, costs for investigations,  
2 examinations, or legal services. For expenses that cannot be  
3 charged directly, the department shall provide for the  
4 proportionate allocation among the accounts of expenses  
5 incurred by the department in the performance of its duties.  
6 The department may not expend funds from the account of the  
7 elevator inspections to pay for the expenses incurred on  
8 behalf of hotel or restaurant regulation, nor may the funds be  
9 deposited or transferred into any other trust fund  
10 administered by the department or any of its divisions. The  
11 department shall maintain adequate records to support its  
12 allocation of the department's expenses.

13           Section 16. This act shall take effect upon becoming a  
14 law.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31