

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. 509.036, F.S.;  
8           conforming a reference; amending s. 509.039,  
9           F.S.; revising requirements for testing and  
10          certification of food service managers,  
11          including fee requirements; amending s.  
12          509.251, F.S.; excluding certain fees from the  
13          maximum aggregate license fee for public food  
14          service establishments; amending s. 509.291,  
15          F.S.; providing for increased coordination and  
16          consultation among the Secretary of Business  
17          and Professional Regulation, the Division of  
18          Hotels and Restaurants, and the advisory  
19          council; amending s. 509.302, F.S.; increasing  
20          the annual fee collected for the purpose of  
21          funding the Hospitality Education Program;  
22          amending s. 399.01, F.S.; revising and removing  
23          definitions; requiring that elevator service  
24          maintenance contracts be made available to the  
25          Department of Business and Professional  
26          Regulation upon request for oversight purposes;  
27          revising qualifications for an elevator  
28          certificate of competency; amending s. 399.02,  
29          F.S.; providing that each elevator owner is  
30          responsible for inspections and correction of  
31          code deficiencies; eliminating a requirement

1 that the department review service maintenance  
2 contracts and determine whether they ensure  
3 safe operation; amending s. 399.03, F.S.;  
4 revising requirements relating to the design,  
5 installation, and alteration of conveyances;  
6 providing additional requirements for issuance  
7 of elevator permits; revising reporting  
8 requirements; providing requirements for  
9 temporary operation inspections; amending s.  
10 399.049, F.S.; revising grounds for suspension  
11 or revocation of certification or registration;  
12 amending s. 399.061, F.S.; eliminating the  
13 requirement that annual inspections be  
14 conducted through third-party inspection  
15 services; revising reporting requirements  
16 relating to service maintenance contracts;  
17 revising requirements relating to the  
18 correction of violations; amending s. 399.07,  
19 F.S.; extending the period of validity of  
20 certificates of operation from 1 to 2 years;  
21 revising fee provisions to conform; amending s.  
22 399.105, F.S.; providing administrative fines  
23 for violations relating to reporting, operating  
24 a sealed elevator, and complying with  
25 correction orders; eliminating a restriction on  
26 the issuance of an administrative fine relating  
27 to commencing installation without a  
28 construction permit; amending s. 399.106, F.S.;  
29 correcting a reference; amending s. 399.125,  
30 F.S.; eliminating the requirement to report  
31 elevator incidents; amending s. 399.13, F.S.;

1 allowing municipalities or counties that assume  
2 elevator inspection duties to hire private  
3 inspectors to conduct inspections; providing an  
4 effective 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. Subsection (1) of section 509.036, Florida  
20 Statutes, is amended to read:

21 509.036 Public food service inspector  
22 standardization.--

23 (1) Any person performing required inspections of  
24 licensed public food service establishments for the division  
25 or its agent must:

26 (a) Be standardized by a food service evaluation  
27 officer certified by the federal Food and Drug Administration;

28 (b) Pass an approved ~~the~~ food protection practices  
29 test as prescribed by s. 509.039; and  
30  
31

1 (c) Pass a written examination to demonstrate  
 2 knowledge of the laws and rules which regulate public food  
 3 service establishments.

4 Section 3. Section 509.039, Florida Statutes, is  
 5 amended to read:

6 509.039 Food service manager certification.--It is the  
 7 duty of the division to adopt, by rule, food safety protection  
 8 standards for the training and certification of all food  
 9 service managers who are responsible for the storage,  
 10 preparation, display, or serving of foods to the public in  
 11 establishments regulated under this chapter. The standards  
 12 adopted by the division shall be consistent with the Standards  
 13 for Accreditation of Food Protection Manager Certification  
 14 Programs adopted by the Conference for Food Protection. These  
 15 standards are to be adopted by the division to ensure that,  
 16 upon successfully passing a test approved by the Conference  
 17 for Food Protection, a manager of a food service establishment  
 18 shall have demonstrated a knowledge of basic food protection  
 19 practices. The division may contract with an organization  
 20 offering a training and certification program that complies  
 21 with division standards and results in a certification  
 22 recognized by the Conference for Food Protection ~~These~~  
 23 ~~standards shall also provide for a certification program which~~  
 24 ~~authorizes private or public agencies to conduct an approved~~  
 25 ~~test and certify all test the results of those tests to the~~  
 26 ~~division.~~ Other organizations offering programs that meet the  
 27 same requirements may also conduct approved tests and shall  
 28 certify all test results to the division. The division may  
 29 charge the organization it contracts with a fee of not more  
 30 than \$5 per certified test to cover the administrative costs  
 31 of the division for the food services manager training and

1 certification program. The fee for the test shall not exceed  
2 ~~\$50.~~ All managers employed by a food service establishment  
3 must have passed an approved ~~this~~ test and received a  
4 certificate attesting thereto. Managers have a period of 90  
5 days after employment to pass the required test. The ranking  
6 of food service establishments is also preempted to the state;  
7 provided, however, that any local ordinances establishing a  
8 ranking system in existence prior to October 1, 1988, may  
9 remain in effect.

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

12 509.251 License fees.--

13 (1) The division shall adopt, by rule, a schedule of  
14 fees to be paid by each public lodging establishment as a  
15 prerequisite to issuance or renewal of a license. Such fees  
16 shall be based on the number of rental units in the  
17 establishment. The aggregate fee per establishment charged any  
18 public lodging establishment ~~but~~ shall not exceed \$1,000;  
19 however, the fees described in paragraphs (a) and (b) may not  
20 be included as part of the aggregate fee subject to this cap.  
21 Resort condominium units within separate buildings or at  
22 separate locations but managed by one licensed agent may be  
23 combined in a single license application, and the division  
24 shall charge a license fee as if all units in the application  
25 are in a single licensed establishment. Resort dwelling units  
26 may be licensed in the same manner as condominium units. The  
27 fee schedule shall require an establishment which applies for  
28 an initial license to pay the full license fee if application  
29 is made during the annual renewal period or more than 6 months  
30 prior to the next such renewal period and one-half of the fee  
31 if application is made 6 months or less prior to such period.

1 The fee schedule shall include fees collected for the purpose  
2 of funding the Hospitality Education Program, pursuant to s.  
3 509.302, which are payable in full for each application  
4 regardless of when the application is submitted.

5 (a) Upon making initial application or an application  
6 for change of ownership, the applicant shall pay to the  
7 division a fee as prescribed by rule, not to exceed \$50, in  
8 addition to any other fees required by law, which shall cover  
9 all costs associated with initiating regulation of the  
10 establishment.

11 (b) A license renewal filed with the division within  
12 30 days after the expiration date shall be accompanied by a  
13 delinquent fee as prescribed by rule, not to exceed \$50, in  
14 addition to the renewal fee and any other fees required by  
15 law. A license renewal filed with the division more than 30  
16 but not more than 60 days after the expiration date shall be  
17 accompanied by a delinquent fee as prescribed by rule, not to  
18 exceed \$100, in addition to the renewal fee and any other fees  
19 required by law.

20 (2) The division shall adopt, by rule, a schedule of  
21 fees to be paid by each public food service establishment as a  
22 prerequisite to issuance or renewal of a license. The fee  
23 schedule shall prescribe a basic fee and additional fees based  
24 on seating capacity and services offered. The aggregate fee  
25 per establishment charged any public food service  
26 establishment may not exceed \$400; however, the fees described  
27 in paragraphs (a) and (b) may not be included as part of the  
28 aggregate fee subject to this cap. The fee schedule shall  
29 require an establishment which applies for an initial license  
30 to pay the full license fee if application is made during the  
31 annual renewal period or more than 6 months prior to the next



1 such renewal period and one-half of the fee if application is  
2 made 6 months or less prior to such period. The fee schedule  
3 shall include fees collected for the purpose of funding the  
4 Hospitality Education Program, pursuant to s. 509.302, which  
5 are payable in full for each application regardless of when  
6 the application is submitted.

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

13 (b) A license renewal filed with the division within  
14 30 days after the expiration date shall be accompanied by a  
15 delinquent fee as prescribed by rule, not to exceed \$50, in  
16 addition to the renewal fee and any other fees required by  
17 law. A license renewal filed with the division more than 30  
18 but not more than 60 days after the expiration date shall be  
19 accompanied by a delinquent fee as prescribed by rule, not to  
20 exceed \$100, in addition to the renewal fee and any other fees  
21 required by law.

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

25 509.291 Advisory council.--

26 (2) The purpose of the advisory council is to promote  
27 better relations, understanding, and cooperation between such  
28 industries and the division; to suggest means of better  
29 protecting the health, welfare, and safety of persons using  
30 the services offered by such industries; to give the division  
31 the benefit of its knowledge and experience concerning the

1 industries and individual businesses affected by the laws and  
2 rules administered by the division; ~~and~~ to promote and  
3 coordinate the development of programs to educate and train  
4 personnel for such industries; and to perform such other  
5 duties as prescribed by law.

6 (5) The secretary and the division shall periodically  
7 review with the advisory council the division's budget and  
8 financial status for the purpose of maintaining the financial  
9 stability of the division. The council shall make  
10 recommendations, when it deems appropriate, to the secretary  
11 and the division to ensure that adequate funding levels from  
12 fees, penalties, and other costs assessed by the division and  
13 paid by the industries it regulates are maintained.

14 (6) The division shall provide to the advisory council  
15 each year an annual internal audit of the financial records of  
16 the Hospitality Education Program for the purpose of  
17 permitting the advisory council to determine compliance with  
18 the provisions of s. 509.072(2).

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

21 509.302 Director of education, personnel, employment  
22 duties, compensation.--

23 (3) All public lodging establishments and all public  
24 food service establishments licensed under this chapter shall  
25 pay an annual fee of no more than ~~\$10~~<sup>\$6</sup> which shall be  
26 included in the annual license fee and which shall be used for  
27 the sole purpose of funding the Hospitality Education Program.

28 Section 7. Section 399.01, Florida Statutes, is  
29 amended to read:

30 399.01 Definitions.--As used in this chapter, the  
31 term:

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

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

8           (2)~~(3)~~ "Certificate of operation" means a document  
9 issued by the department which indicates that the conveyance  
10 has had the required safety inspection and tests and that fees  
11 have been paid as provided in this chapter.

12           (3)~~(4)~~ "Conveyance" means an elevator, dumbwaiter,  
13 escalator, moving sidewalk, platform lift, or ~~and~~ stairway  
14 chairlift.

15           (4)~~(5)~~ "Department" means the Department of Business  
16 and Professional Regulation.

17           (5)~~(6)~~ "Division" means the Division of Hotels and  
18 Restaurants of the Department of Business and Professional  
19 Regulation.

20           (6)~~(7)~~ "Elevator" means one of the following  
21 mechanical devices:

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

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

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

30           (d) A moving walk, which is a type of  
31 passenger-carrying device on which passengers stand or walk

1 and in which the passenger-carrying surface remains parallel  
2 to its direction of motion and is uninterrupted.

3 (e) An inclined stairway chairlift, which is a device  
4 used to transport physically handicapped persons over  
5 architectural barriers.

6 (f) An inclined or vertical wheelchair lift, which is  
7 a device used to transport wheelchair handicapped persons over  
8 architectural barriers.

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

11 (7)~~(9)~~ "Existing installation" means an installation  
12 defined as an "installation, existing" in the Florida Building  
13 Code.

14 (8)~~(10)~~ "Elevator Safety Technical Advisory Committee"  
15 means the committee appointed by the secretary of the  
16 Department of Business and Professional Regulation.

17 (9)~~(11)~~ "Private residence" means a separate dwelling  
18 or a separate apartment in a multiple dwelling which is  
19 occupied by members of a single-family unit.

20 (10)~~(12)~~ "Service maintenance contract" means a  
21 contract that provides for routine examination, lubrication,  
22 cleaning, adjustment, replacement of parts, and performance of  
23 applicable code-required safety tests such as on a traction  
24 elevator and annual relief pressure test on a hydraulic  
25 elevator and any other service, repair, and maintenance  
26 sufficient to ensure the safe operation of the elevator. A  
27 service maintenance contract shall be made available upon  
28 request of the department for purposes of oversight and  
29 monitoring.

30 (11)~~(13)~~ "Temporarily dormant conveyance" means a  
31 conveyance whose power supply has been disconnected by

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

16 (12)(14) "Temporary operation inspection permit" means  
17 an inspection performed by a certified elevator inspector, the  
18 successful passage of a document issued by the department  
19 which permits the temporary use of a noncompliant vertical  
20 conveyance as provided by rule.

21 (13)(15) "Registered elevator company" means an entity  
22 registered with and authorized by the division employing  
23 persons to construct, install, inspect, maintain, or repair  
24 any vertical conveyance. Each registered elevator company must  
25 annually register with the division and maintain general  
26 liability insurance coverage in the minimum amounts set by  
27 rule ~~the division~~.

28 (14)(16) "Certified elevator inspector" is a natural  
29 person registered with and authorized by the division to  
30 construct, install, inspect, maintain, or repair any vertical  
31 conveyance, after having properly acquired the qualified

1 elevator inspector credential as prescribed by the American  
2 Society of Mechanical Engineers. Each certified elevator  
3 inspector must annually register with the division and provide  
4 ~~from the National Association of Elevator Safety Authorities.~~  
5 ~~Such person shall remain so authorized by the division only~~  
6 ~~upon providing annual proof of completion of 8 hours of~~  
7 ~~continuing education, proof that and the qualified elevator~~  
8 ~~inspector credential remains in good standing, and proof of~~  
9 ~~with the National Association of Elevator Safety Authorities.~~  
10 ~~A licensed mechanical engineer whose license is in good~~  
11 ~~standing may be authorized as a certified elevator inspector~~  
12 ~~by the division. Each certified elevator inspector must~~  
13 ~~annually register with the division and maintain general~~  
14 ~~liability insurance coverage in the minimum amounts set by the~~  
15 ~~division.~~

16 (15)~~(17)~~ "Certified elevator technician" means a  
17 natural person authorized by the division to construct,  
18 install, maintain, or repair any vertical conveyance, after  
19 having been issued an elevator certificate of competency by  
20 the division. Each certified elevator technician must annually  
21 register with the division and be covered by ~~maintain~~ general  
22 liability insurance coverage in the minimum amounts set by the  
23 division.

24 (16)~~(18)~~ "Elevator helper" means a natural person  
25 performing work under the direct supervision of an elevator  
26 certificate of competency holder ~~a certified elevator~~  
27 ~~inspector or an elevator technician~~ to construct, install,  
28 maintain, or repair any vertical conveyance.

29 (17)~~(19)~~ "Elevator certificate of competency" means a  
30 credential issued by the division to any individual natural  
31 person successfully completing an examination as prescribed by

1 rule and paying a nonrefundable fee of \$50. Such credential  
2 shall be valid for and expire at the end of 1 year, and may be  
3 renewed by the division when the division receives proof of  
4 the elevator certificate of competency holder's completion of  
5 8 hours of continuing education from a provider approved by  
6 the department and a nonrefundable renewal fee of \$50. The  
7 department shall adopt by rule criteria for providing approval  
8 and procedures for continuing education reporting.

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

11 1. Four years' work experience in the construction,  
12 maintenance, service, and repair of conveyances covered by  
13 this chapter. This experience shall be verified by current or  
14 previously registered elevator companies as required by the  
15 division.

16 2. One of the following:

17 a. Proof of completion and successful passage of a  
18 written examination administered by the division or a provider  
19 approved by the division under standards it adopted by rule.

20 b. Proof of completion of an apprenticeship program  
21 for elevator mechanics which has standards substantially  
22 equivalent to those found in a national training program for  
23 elevator mechanics and is registered with the Bureau of  
24 Apprenticeship and Training of the United States Department of  
25 Labor or a state apprenticeship authority.

26 c. Proof of licensure or certification by a state or  
27 local jurisdiction in the United States having standards  
28 substantially equal to or more stringent than those of this  
29 chapter.

1           **(b) A licensed mechanical engineer whose license is in**  
2 **good standing may be granted an elevator certificate of**  
3 **competency.**

4  
5 All other building transportation terms are defined in the  
6 current Florida Building Code.

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

9           399.02 General requirements.--

10           (1) The Elevator Safety Technical Advisory Committee  
11 shall develop and submit to the Director of Hotels and  
12 Restaurants **proposed regarding** revisions to the elevator  
13 safety code so that it is the same as or similar to the latest  
14 **editions** ~~versions~~ of ASME A17.1, ASME A17.3, and ASME A18.1.

15           (5)(a) The construction permitholder is responsible  
16 for the correction of violations and deficiencies until the  
17 elevator has been inspected and a certificate of operation has  
18 been issued by the department. The construction permitholder  
19 is responsible for all tests of new and altered equipment  
20 until the elevator has been inspected and a certificate of  
21 operation has been issued by the department.

22           (b) The elevator owner is responsible for the safe  
23 operation, ~~and proper maintenance, and inspection and~~  
24 **correction of code deficiencies** of the elevator after ~~it has~~  
25 ~~been inspected and~~ a certificate of operation has been issued  
26 by the department. The responsibilities of the elevator owner  
27 may be assigned by lease.

28           ~~(c) The elevator owner shall report to the department~~  
29 ~~60 days before the expiration of the certificate of operation~~  
30 ~~whether there exists a service maintenance contract, with whom~~  
31 ~~the contract exists, and the details concerning the provisions~~



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

12 Section 9. Section 399.03, Florida Statutes, is  
13 amended to read:

14 399.03 Design, installation, and alteration of  
15 conveyances.--

16 (1) A conveyance covered by this chapter may not be  
17 erected, constructed, installed, or altered within buildings  
18 or structures until ~~unless~~ a permit has been obtained from the  
19 department ~~before the work is commenced.~~ Permits must be  
20 applied for by a registered elevator company and may only be  
21 granted upon receipt and approval of an application to be made  
22 on a form prescribed by the department, accompanied by proper  
23 fees and a sworn statement from an agent of the registered  
24 elevator company that the plans meet all applicable elevator  
25 safety and building codes. Permits may be granted only to  
26 registered elevator companies in good standing.When any  
27 material alteration is made, the alteration ~~device~~ must  
28 conform to applicable requirements of the Florida Building  
29 Code and the provisions of this chapter ~~for the alteration.~~ A  
30 ~~permit required hereunder may not be issued except to a~~  
31 ~~person, firm, or corporation holding a current elevator~~

1 ~~contractor's license issued under this chapter~~. A copy of the  
2 permit and plans must be kept at the construction site at all  
3 times while the work is in progress and until a certificate of  
4 operation is issued.

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

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

8 (a) There are any false statements or  
9 misrepresentations as to the material facts in the  
10 application, plans, or specifications on which the permit was  
11 based.

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

14 (c) The work detailed under the permit is not being  
15 performed in accordance with the provisions of the  
16 application, plans, or specifications or with the code or  
17 conditions of the permit.

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

20 (4) A permit expires if:

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

25 (b) The work is suspended or abandoned for a period of  
26 60 days, or such shorter period of time as the department may  
27 specify at the time the permit is issued, after the work has  
28 been started. For good cause, the department may allow a  
29 discretionary extension for the foregoing period.

30 (5) All new conveyance installations must be performed  
31 by a registered elevator company ~~person to whom a license to~~

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

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

1 ~~personnel. Certificates of operation may only be renewed for~~  
2 ~~vertical conveyances having a current satisfactory inspection.~~

3 (6)(7) At the department's request, and to facilitate  
4 oversight and monitoring, the permitholder shall notify the  
5 department of the scheduled final inspection date and time for  
6 purposes of acquiring a certificate of inspection, in writing,  
7 ~~at least 7 days before completion of the work and shall, in~~  
8 ~~the presence of a licensed elevator inspector not associated~~  
9 ~~with or employed by the installing company or contractor,~~  
10 ~~subject the newly installed, relocated, or altered portions of~~  
11 ~~the elevator to tests required to show that the elevator meets~~  
12 ~~the applicable provisions of the Florida Building Code.~~

13 (7)(8) Each elevator shall comply with the edition of  
14 the Florida Building Code or Elevator Safety Code that was in  
15 effect at the time of receipt of application for the  
16 construction permit for the elevator.

17 (8)(9) Each alteration to, or relocation of, an  
18 elevator shall comply with the edition of the Florida Building  
19 Code or Elevator Safety Code that was in effect at the time of  
20 receipt of the application for the construction permit for the  
21 alteration or relocation.

22 (9)(10) When any change is made in the classification  
23 of an elevator, the elevator shall comply with all of the  
24 requirements of the version of the Florida Building Code or  
25 Elevator Safety Code that were in effect at the time of  
26 receipt of the application for the construction permit for the  
27 change in classification.

28 (10)(a) The temporary use of an elevator during  
29 installation or alteration is authorized for a period of 30  
30 days after the completion of a satisfactory temporary  
31 operation inspection. An additional 30-day period of temporary

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

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

22 Section 10. Section 399.049, Florida Statutes, is  
 23 amended to read:

24 399.049 Disciplinary action ~~Certificate of~~  
 25 ~~competency.--~~

26 (1) ~~SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE~~  
 27 ~~OF COMPETENCY.--~~The department may suspend or revoke an  
 28 elevator inspector certification, an elevator company  
 29 registration, an elevator ~~a license or~~ certificate of  
 30 competency, or an elevator certificate of operation issued  
 31 under this chapter or impose an administrative penalty of up

1 to \$1,000 per violation upon any registered elevator company  
2 ~~licensee~~ or certificateholder who commits any one or more of  
3 the following violations:

4 (a) Any false statement as to a material matter in an  
5 ~~the~~ application for registration, certification, or any permit  
6 or certificate issued under this chapter.

7 (b) Fraud, misrepresentation, or bribery in the  
8 practice of the profession ~~securing a license or certificate~~  
9 ~~of competency.~~

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

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

19 (2) ~~DISCIPLINARY ACTION.~~ Any disciplinary action  
20 taken under this chapter must comply with chapter 120 and any  
21 rules adopted thereunder.

22 Section 11. Section 399.061, Florida Statutes, is  
23 amended to read:

24 399.061 Inspections; service maintenance contracts;  
25 correction of deficiencies.--

26 (1)(a) All elevators or other conveyances subject to  
27 this chapter must be annually inspected by a certified  
28 elevator inspector ~~through a third-party inspection service,~~  
29 or by a municipality or county under contract with the  
30 division, pursuant to s. 399.13. If the elevator ~~or other~~  
31 ~~conveyance is maintained pursuant to a service maintenance~~

1 ~~contract continuously in force, it shall be inspected at least~~  
2 ~~once every 2 years by a certified elevator inspector who is~~  
3 ~~not employed by or otherwise associated with the maintenance~~  
4 ~~company; however, if the elevator is not an escalator or a~~  
5 ~~dumbwaiter, serves only two adjacent floors, and is covered by~~  
6 ~~a service maintenance contract, an inspection is not required~~  
7 ~~so long as the service contract remains in effect. A statement~~  
8 ~~verifying the existence, performance, and cancellation of each~~  
9 ~~service maintenance contract must be filed annually with the~~  
10 ~~division as prescribed by rule.~~

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

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

30 (3) Whenever the division determines from the results  
31 of any inspection that, in the interest of the public safety,

1 an elevator is in an unsafe condition, the division may seal  
2 the elevator or order the discontinuance of the use of the  
3 elevator until the division determines by inspection that such  
4 elevator has been satisfactorily repaired or replaced so that  
5 the elevator may be operated in a safe manner.

6 (4) When the division determines that an elevator is  
7 in violation of this chapter or the Florida Building Code, the  
8 division may issue an order to the elevator owner requiring  
9 correction of the violation and reinspection of the elevator  
10 evidencing the correction.

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

13 399.07 Certificates of operation; ~~temporary operation~~  
14 ~~permits; fees.--~~

15 ~~(1)(a) A certificate of operation may not be issued~~  
16 ~~until the elevator company supervisor signs an affidavit~~  
17 ~~stating that the elevator company supervisor directly~~  
18 ~~supervised construction or installation of the elevator.~~

19 (1)(b) The certificate of operation is valid for a  
20 period not to exceed 2 years and shall expire at the end of  
21 the period of 1 year unless sooner suspended or revoked. The  
22 department may adopt rules establishing a procedure for  
23 certificate renewal. Certificates of operation may be renewed  
24 only for vertical conveyances having a current satisfactory  
25 inspection. The owner of an elevator operating with an expired  
26 certificate of operation is in violation of this chapter.  
27 Certificate of operation renewal applications received by the  
28 department after the date of expiration of the last current  
29 certificate must be accompanied by a late fee of \$50 in  
30 addition to the renewal fee and any other fees required by  
31 law. The department shall adopt by rule a fee schedule for the



1 renewal of certificates of operation. The fees must be  
2 deposited into the Hotel and Restaurant Trust Fund. ~~The~~  
3 ~~department shall by rule adopt a fee schedule for the renewal~~  
4 ~~of certificates of operation. The renewal period commences on~~  
5 ~~August 1 of each year.~~

6 (2)(e) The certificate of operation must be posted in  
7 a conspicuous location on the elevator and must be framed with  
8 a transparent cover.

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

17 ~~(2)(a) The department may issue a temporary operation~~  
18 ~~permit authorizing the temporary use of an elevator during~~  
19 ~~installation or alteration to an elevator company or general~~  
20 ~~contractor acting as a general agent of an elevator company. A~~  
21 ~~temporary operation permit may not be issued until the~~  
22 ~~elevator has been inspected by a state elevator inspector and~~  
23 ~~tested under contract load; the hoistway is fully enclosed;~~  
24 ~~the hoistway doors and interlocks are installed; the car is~~  
25 ~~completely enclosed, including door or gate and top; all~~  
26 ~~electrical safety devices are installed and properly~~  
27 ~~functioning; and terminal stopping equipment is in place for a~~  
28 ~~safe runby and proper clearance. When a car is provided with a~~  
29 ~~temporary enclosure, the operating means must be by constant~~  
30 ~~pressure push-button or lever-type switch. The car may not~~  
31 ~~exceed the minimum safe operating speed of the elevator, and~~

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

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

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

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

14 (3) The certificate of operation shall contain the  
15 text of s. 823.12, relating to the prohibition against smoking  
16 in elevators.

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

21 (5) Except for ~~as authorized by a temporary use~~  
22 authorized by this chapter operation permit, the operation or  
23 use of any newly installed, relocated, or altered elevator is  
24 prohibited until the elevator has passed the tests and  
25 inspections required by this chapter and a certificate of  
26 operation has been issued.

27 (6) The department may suspend any certificate of  
28 operation if it finds that the elevator is not in compliance  
29 with this chapter or of rules adopted under this chapter. The  
30 suspension remains in effect until the department receives  
31 satisfactory results of an inspection performed by a certified

1 elevator inspector indicating ~~determines, by inspection,~~ that  
2 the elevator has been brought into compliance.

3 Section 13. Section 399.105, Florida Statutes, is  
4 amended to read:

5 399.105 Administrative fines.--

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

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

23 (3) An elevator owner who continues to operate an  
24 elevator after notice to discontinue its use or after it has  
25 been sealed by the department is subject to an administrative  
26 fine not greater than \$1,000 for each day the elevator has  
27 been operated after the service of the notice or sealing by  
28 the department, in addition to any other penalty provided by  
29 law.

30 (4) An elevator owner who fails to comply with an  
31 order to correct issued under s. 399.061(4) within 30 ~~60~~ days

1 after its issuance is subject, in addition to any other  
2 penalty provided by law, to an administrative fine ~~set by the~~  
3 ~~department~~ in an amount not to exceed \$1,000.

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

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

8 399.106 Elevator Safety Technical Advisory  
9 Committee.--

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

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

16 399.125 Reporting of elevator accidents ~~or incidents~~;  
17 penalties.--Within 5 working days after any accident ~~or~~  
18 ~~incident~~ occurring in or upon any elevator, the certificate of  
19 operation holder shall report the accident ~~or incident~~ to the  
20 division on a form prescribed by the division. Failure to  
21 timely file this report is a violation of this chapter and  
22 will subject the certificate of operation holder to an  
23 administrative fine, to be imposed by the division, in an  
24 amount not to exceed \$1,000.

25 Section 16. Section 399.13, Florida Statutes, is  
26 amended to read:

27 399.13 Delegation of authority to municipalities or  
28 counties.--

29 (1) The department may enter into contracts with  
30 municipalities or counties under which such municipalities or  
31 counties will issue construction permits, ~~temporary operation~~

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

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

26       Section 17. This act shall take effect upon becoming a  
27 law.

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