

751-118AXB-22

Bill No. CS/HB 1667

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Benson offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Section 399.01, Florida Statutes, is amended to read:

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

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

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

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

1 (3)~~(4)~~ "Conveyance" means an elevator, dumbwaiter,
2 escalator, moving sidewalk, platform lift, or ~~and~~ stairway
3 chairlift.

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

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

9 (6)~~(7)~~ "Elevator" means one of the following
10 mechanical devices:

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

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

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

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

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

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

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

31 (7)~~(9)~~ "Existing installation" means an installation

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1 defined as an "installation, existing" in the Florida Building
2 Code.

3 (8)~~(10)~~ "Elevator Safety Technical Advisory Committee"
4 means the committee appointed by the secretary of the
5 Department of Business and Professional Regulation.

6 (9)~~(11)~~ "Private residence" means a separate dwelling
7 or a separate apartment in a multiple dwelling which is
8 occupied by members of a single-family unit.

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

19 (11)~~(13)~~ "Temporarily dormant conveyance" means a
20 conveyance whose power supply has been disconnected by
21 removing fuses and placing a padlock on the mainline
22 disconnect switch in the "OFF" position. The car is parked,
23 and the hoistway doors are in the closed and latched position.
24 A wire seal is installed on the mainline disconnect switch by
25 a certified ~~certificate of competency~~ elevator inspector. This
26 conveyance installation may not be used again until it has
27 been put in safe running order and is in condition for use.
28 Annual inspections shall continue for the duration of the
29 temporarily dormant status by a certified ~~certificate of~~
30 ~~competency~~ elevator inspector. The temporarily dormant status
31 is renewable on an annual basis and may not exceed a 5-year

1 period. The inspector shall file a report with the department
2 ~~chief elevator inspector~~ describing the current conditions.
3 The wire seal and padlock may not be removed for any purpose
4 without permission from the department ~~elevator inspector~~.

5 (12)~~(14)~~ "Temporary operation inspection permit" means
6 an inspection performed by a certified elevator inspector, the
7 successful passage of a document issued by the department
8 which permits the temporary use of a noncompliant vertical
9 conveyance as provided by rule.

10 (13)~~(15)~~ "Registered elevator company" means an entity
11 registered with and authorized by the division employing
12 persons to construct, install, inspect, maintain, or repair
13 any vertical conveyance. Each registered elevator company must
14 annually register with the division and maintain general
15 liability insurance coverage in the minimum amounts set by
16 rule ~~the division~~.

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

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

4 (15)~~(17)~~ "Certified elevator technician" means a
5 natural person authorized by the division to construct,
6 install, maintain, or repair any vertical conveyance, after
7 having been issued an elevator certificate of competency by
8 the division. Each certified elevator technician must annually
9 register with the division and be covered by ~~maintain~~ general
10 liability insurance coverage in the minimum amounts set by the
11 division.

12 (16)~~(18)~~ "Elevator helper" means a natural person
13 performing work under the direct supervision of an elevator
14 certificate of competency holder ~~a certified elevator~~
15 ~~inspector or an elevator technician~~ to construct, install,
16 maintain, or repair any vertical conveyance.

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

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

30 1. Four years' work experience in the construction,
31 maintenance, service, and repair of conveyances covered by

1 this chapter. This experience shall be verified by current or
2 previously registered elevator companies as required by the
3 division.

4 2. One of the following:

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

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

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

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

21
22 All other building transportation terms are defined in the
23 current Florida Building Code.

24 Section 2. Subsections (1) and (5) of section 399.02,
25 Florida Statutes, are amended to read:

26 399.02 General requirements.--

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

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

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

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

29 Section 3. Section 399.03, Florida Statutes, is
30 amended to read:

31 399.03 Design, installation, and alteration of

1 conveyances.--

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

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

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

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

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

31 (c) The work detailed under the permit is not being

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1 performed in accordance with the provisions of the
2 application, plans, or specifications or with the code or
3 conditions of the permit.

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

6 (4) A permit expires if:

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

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

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

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

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

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

30 ~~(7)(8)~~ Each elevator shall comply with the edition of
31 the Florida Building Code or Elevator Safety Code that was in

1 effect at the time of receipt of application for the
2 construction permit for the elevator.

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

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

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

1 the elevator.

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

8 Section 4. Section 399.049, Florida Statutes, is
9 amended to read:

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

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

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

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

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

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1 ~~this chapter that is not in compliance with the provisions of~~
2 ~~the elevator safety code incorporated into the Florida~~
3 ~~Building Code.~~

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

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

8 Section 5. Section 399.061, Florida Statutes, is
9 amended to read:

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

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

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

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

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

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

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

28 Section 6. Section 399.07, Florida Statutes, is
 29 amended to read:

30 399.07 Certificates of operation; ~~temporary operation~~
 31 ~~permits; fees.--~~

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

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

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

26 ~~(d) The department shall charge an annual fee for~~
27 ~~issuance of a certificate of operation in an amount to be set~~
28 ~~by rule. However, a renewal application for a certificate of~~
29 ~~operation filed with the department after expiration date of~~
30 ~~the certificate must be accompanied by a delinquency fee of~~
31 ~~\$50 in addition to the annual renewal fee and any other fees~~

1 ~~required by law. The fees must be deposited into the Hotel and~~
2 ~~Restaurant Trust Fund.~~

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

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

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

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

31 (3) The certificate of operation shall contain the

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1 text of s. 823.12, relating to the prohibition against smoking
2 in elevators.

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

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

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

20 Section 7. Section 399.105, Florida Statutes, is
21 amended to read:

22 399.105 Administrative fines.--

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

30 (2) Any person who commences the operation,
31 installation, relocation, or alteration of any elevator for

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

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

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

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

23 Section 8. Subsection (2) of section 399.106, Florida
 24 Statutes, is amended to read:

25 399.106 Elevator Safety Technical Advisory
 26 Committee.--

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

31 Section 9. Section 399.125, Florida Statutes, is

1 amended to read:

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

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

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

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

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 11. Subsection (1) of section 553.512, Florida
13 Statutes, is amended to read:

14 553.512 Modifications and waivers; advisory council.--

15 (1) The Florida Building Commission shall provide by
16 regulation criteria for granting individual modifications of,
17 or exceptions from, the literal requirements of this part upon
18 a determination of unnecessary, unreasonable, or extreme
19 hardship, provided such waivers shall not violate federal
20 accessibility laws and regulations and shall be reviewed by
21 the Accessibility Advisory Council. If an applicant for a
22 waiver demonstrates economic hardship in accordance with 28
23 C.F.R. s. 36.403(f)(1), a waiver shall be granted.The
24 commission may not consider waiving any of the requirements of
25 s. 553.5041 unless the applicant first demonstrates that she
26 or he has applied for and been denied waiver or variance from
27 all local government zoning, subdivision regulations, or other
28 ordinances that prevent compliance therewith. Further, the
29 commission may not waive the requirement of s. 553.5041(5)(a)
30 and (c)1. governing the minimum width of accessible routes and
31 minimum width of accessible parking spaces.

1 Section 12. Effective May 1, 2003, paragraphs (c) and
2 (h) of subsection (1) of section 553.74, Florida Statutes, are
3 amended to read:

4 553.74 Florida Building Commission.--

5 (1) The Florida Building Commission is created and
6 shall be located within the Department of Community Affairs
7 for administrative purposes. Members shall be appointed by the
8 Governor subject to confirmation by the Senate. The commission
9 shall be composed of 23 members, consisting of the following:

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

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

16 Section 13. Section 604.50, Florida Statutes, is
17 amended to read:

18 604.50 Nonresidential farm buildings.--Notwithstanding
19 any other law to the contrary, any nonresidential farm
20 building ~~located on a farm~~ is exempt from the Florida Building
21 Code and any county or municipal building code. For purposes
22 of this section, the term "nonresidential farm building" means
23 any building or support structure that is used for
24 agricultural purposes, located on a farm that is not used as a
25 residential dwelling, and that is located on land that is an
26 integral part of a farm operation or is classified as
27 agricultural land pursuant to s. 193.461. The term "farm" is
28 as defined in s. 823.14.

29 Section 14. Subsection (1) of section 627.0629,
30 Florida Statutes, as amended by chapter 2001-372, Laws of
31 Florida, is amended to read:

1 627.0629 Residential property insurance; rate
2 filings.--

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

21 Section 15. (1) The Legislature directs the Florida
22 Building Commission to develop building code provisions that
23 may be added to the Florida Building Code to facilitate the
24 rehabilitation and use of existing structures. The commission
25 shall select from available national or international model
26 codes or the codes or code provisions adopted by another state
27 to form the foundation for the code provisions required by
28 this section.

29 (2) The commission shall seek consensus with fire
30 safety professionals, advocates for persons with disabilities,
31 representatives of the construction industry, land-use

1 planners, building officials, and others identified by the
 2 commission as having an interest in building code provisions.
 3 The commission may modify the selected model codes and
 4 standards as needed to accommodate the specific needs of this
 5 state.

6 (3) In conjunction with its code development
 7 activities, the commission shall identify legislative changes
 8 required to implement the code provisions developed pursuant
 9 to subsections (1) and (2).

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

17 Section 16. Except as otherwise provided herein, this
 18 act shall take effect upon becoming a law.

19
 20

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

22 And the title is amended as follows:

23 remove: the entire title

24

25 and insert:

26 A bill to be entitled
 27 An act relating to building construction;
 28 amending s. 399.01, F.S.; revising and removing
 29 definitions; requiring that elevator service
 30 maintenance contracts be made available to the
 31 Department of Business and Professional

751-118AXB-22

Bill No. CS/HB 1667

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

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

1 the issuance of an administrative fine relating
2 to commencing installation without a
3 construction permit; amending s. 399.106, F.S.;
4 correcting a reference; amending s. 399.125,
5 F.S.; eliminating the requirement to report
6 elevator incidents; amending s. 399.13, F.S.;
7 allowing municipalities or counties that assume
8 elevator inspection duties to hire private
9 inspectors to conduct inspections; amending s.
10 553.512, F.S.; providing for waiver of the
11 requirements of pt. V of ch. 553, F.S., in
12 cases of economic hardship in accordance with
13 federal regulations; amending s. 553.74, F.S.;
14 revising the membership of the Florida Building
15 Commission; amending s. 604.50, F.S.; revising
16 an exemption from the Florida Building Code for
17 nonresidential farm buildings; amending s.
18 627.0629, F.S.; revising timeframe for rate
19 filing for residential property insurance;
20 requiring the Florida Building Commission to
21 develop building code provisions to facilitate
22 the rehabilitation and use of existing
23 structures; requiring the commission to
24 identify legislative changes required to
25 implement such code provisions; requiring a
26 report to the Legislature; providing effective
27 dates.

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