

By the Council for Smarter Government and Representative
Benson

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

1 certificates of operation from 1 to 2 years;
2 revising fee provisions to conform; amending s.
3 399.105, F.S.; providing administrative fines
4 for violations relating to reporting, operating
5 a sealed elevator, and complying with
6 correction orders; eliminating a restriction on
7 the issuance of an administrative fine relating
8 to commencing installation without a
9 construction permit; amending s. 399.106, F.S.;
10 correcting a reference; amending s. 399.125,
11 F.S.; eliminating the requirement to report
12 elevator incidents; amending s. 399.13, F.S.;
13 allowing municipalities or counties that assume
14 elevator inspection duties to hire private
15 inspectors to conduct inspections; amending s.
16 509.072, F.S.; requiring the department to
17 separately account for the funds collected for
18 the inspection of elevators in the Hotel and
19 Restaurant Trust Fund; amending s. 553.74,
20 F.S.; revising the membership of the Florida
21 Building Commission; amending s. 604.50, F.S.;
22 revising an exemption from the Florida Building
23 Code for nonresidential farm buildings;
24 requiring the Florida Building Commission to
25 develop building code provisions to facilitate
26 the rehabilitation and use of existing
27 structures; requiring the commission to
28 identify legislative changes required to
29 implement such code provisions; requiring a
30 report to the Legislature; providing an
31 effective date.

1 Be It Enacted by the Legislature of the State of Florida:

2

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

5 399.01 Definitions.--As used in this chapter, the
6 term:

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

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

14 (2)~~(3)~~ "Certificate of operation" means a document
15 issued by the department which indicates that the conveyance
16 has had the required safety inspection and tests and that fees
17 have been paid as provided in this chapter.

18 (3)~~(4)~~ "Conveyance" means an elevator, dumbwaiter,
19 escalator, moving sidewalk, platform lift, or ~~and~~ stairway
20 chairlift.

21 (4)~~(5)~~ "Department" means the Department of Business
22 and Professional Regulation.

23 (5)~~(6)~~ "Division" means the Division of Hotels and
24 Restaurants of the Department of Business and Professional
25 Regulation.

26 (6)~~(7)~~ "Elevator" means one of the following
27 mechanical devices:

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

1 ~~(16)(18)~~ "Elevator helper" means a natural person
2 performing work under the direct supervision of an elevator
3 certificate of competency holder ~~a certified elevator~~
4 ~~inspector or an elevator technician~~ to construct, install,
5 maintain, or repair any vertical conveyance.

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

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

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

24 2. One of the following:

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

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

1 Apprenticeship and Training of the United States Department of
2 Labor or a state apprenticeship authority.

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

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

10

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

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

15 399.02 General requirements.--

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

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

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

1 by the department. The responsibilities of the elevator owner
2 may be assigned by lease.

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

18 Section 3. Section 399.03, Florida Statutes, is
19 amended to read:

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

22 (1) A conveyance covered by this chapter may not be
23 erected, constructed, installed, or altered within buildings
24 or structures until unless a permit has been obtained from the
25 department ~~before the work is commenced.~~ Permits must be
26 applied for by a registered elevator company and may only be
27 granted upon receipt and approval of an application to be made
28 on a form prescribed by the department, accompanied by all of
29 the following: proper fees; plans that have been sealed by an
30 architect or engineer whose license is in good standing; and a
31 statement from the architect or engineer attesting that the

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

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

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

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

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

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

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

27 (4) A permit expires if:

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

1 (b) The work is suspended or abandoned for a period of
2 60 days, or such shorter period of time as the department may
3 specify at the time the permit is issued, after the work has
4 been started. For good cause, the department may allow a
5 discretionary extension for the foregoing period.

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

1 located in private residences are not required to obtain a
2 certificate of operation under this chapter.

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

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

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

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

29 (9)(10) When any change is made in the classification
30 of an elevator, the elevator shall comply with all of the
31 requirements of the version of the Florida Building Code or

1 Elevator Safety Code that were in effect at the time of
2 receipt of the application for the construction permit for the
3 change in classification.

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

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

29 Section 4. Section 399.049, Florida Statutes, is
30 amended to read:

31

1 399.049 Disciplinary action ~~Certificate of~~
2 ~~competency.--~~
3 (1) ~~SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE~~
4 ~~OF COMPETENCY.--~~The department may suspend or revoke an
5 elevator inspector certification, an elevator company
6 registration, an elevator a license or certificate of
7 competency, or an elevator certificate of operation issued
8 under this chapter or impose an administrative penalty of up
9 to \$1,000 per violation upon any registered elevator company
10 ~~licensee~~ or certificateholder who commits any one or more of
11 the following violations:
12 (a) Any false statement as to a material matter in an
13 the application for registration, certification, or any permit
14 or certificate issued under this chapter.
15 (b) Fraud, misrepresentation, or bribery in the
16 practice of the profession ~~securing a license or certificate~~
17 ~~of competency.~~
18 (c) Failure by a certified elevator inspector to
19 provide notify the department and the certificate of operation
20 holder with a copy of the inspection report within 5 days
21 after the date of any inspection performed after the initial
22 certificate of operation is issued of a conveyance covered by
23 ~~this chapter that is not in compliance with the provisions of~~
24 ~~the elevator safety code incorporated into the Florida~~
25 ~~Building Code.~~
26 (d) Violation of any provision of this chapter.
27 (2) ~~DISCIPLINARY ACTION.--~~Any disciplinary action
28 taken under this chapter must comply with chapter 120 and any
29 rules adopted thereunder.
30 Section 5. Section 399.061, Florida Statutes, is
31 amended to read:

1 399.061 Inspections; service maintenance contracts;
2 correction of deficiencies.--
3 (1)(a) All elevators or other conveyances subject to
4 this chapter must be annually inspected by a certified
5 elevator inspector ~~through a third-party inspection service,~~
6 or by a municipality or county under contract with the
7 division, pursuant to s. 399.13. If the elevator ~~or other~~
8 ~~conveyance is maintained pursuant to a service maintenance~~
9 ~~contract continuously in force, it shall be inspected at least~~
10 ~~once every 2 years by a certified elevator inspector who is~~
11 ~~not employed by or otherwise associated with the maintenance~~
12 ~~company; however, if the elevator is not an escalator or a~~
13 ~~dumbwaiter, serves only two adjacent floors, and is covered by~~
14 ~~a service maintenance contract, an inspection is not required~~
15 ~~so long as the service contract remains in effect. A statement~~
16 ~~verifying the existence, performance, and cancellation of each~~
17 ~~service maintenance contract must be filed annually with the~~
18 ~~division as prescribed by rule.~~
19 (b) A statement verifying the existence and
20 performance of each service maintenance contract must be filed
21 at least annually with the division and as prescribed by rule.
22 Cancellation of a service maintenance contract must be
23 reported to the division as prescribed by rule.~~The division~~
24 ~~may inspect an elevator whenever necessary to ensure its safe~~
25 ~~operation or when a third-party inspection service is not~~
26 ~~available for a routine inspection.~~
27 (2) The division may inspect an elevator whenever
28 necessary to ensure its safe operation.~~The division may~~
29 ~~employ state elevator inspectors to conduct any the~~
30 ~~inspections as required by this chapter subsection (1) and may~~
31 ~~charge a an inspection fee for each inspection in an amount~~

1 sufficient to cover the costs of that inspection, as provided
2 by rule, when a private certified elevator inspector is not
3 available. Each state elevator inspector shall be properly
4 qualified as a certified elevator inspector ~~hold a certificate~~
5 ~~of competency issued by the division~~.

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

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

18 Section 6. Section 399.07, Florida Statutes, is
19 amended to read:

20 399.07 Certificates of operation; ~~temporary operation~~
21 ~~permits~~ fees.--

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

26 (1)(b) The certificate of operation is valid for a
27 period not to exceed 2 years and shall expire at the end of
28 the period of 1 year unless sooner suspended or revoked. The
29 department may adopt rules establishing a procedure for
30 certificate renewal. Certificates of operation may be renewed
31 only for vertical conveyances having a current satisfactory

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

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

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

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

1 ~~completely enclosed, including door or gate and top; all~~
2 ~~electrical safety devices are installed and properly~~
3 ~~functioning; and terminal stopping equipment is in place for a~~
4 ~~safe runby and proper clearance. When a car is provided with a~~
5 ~~temporary enclosure, the operating means must be by constant~~
6 ~~pressure push-button or lever-type switch. The car may not~~
7 ~~exceed the minimum safe operating speed of the elevator, and~~
8 ~~the governor tripping speed must be set in accordance with the~~
9 ~~operating speed of the elevator.~~

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

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

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

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

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

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

1 inspections required by this chapter and a certificate of
2 operation has been issued.

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

10 Section 7. Section 399.105, Florida Statutes, is
11 amended to read:

12 399.105 Administrative fines.--

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

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

30 (3) An elevator owner who continues to operate an
31 elevator after notice to discontinue its use or after it has

1 been sealed by the department is subject to an administrative
2 fine not greater than \$1,000 for each day the elevator has
3 been operated after the service of the notice or sealing by
4 the department, in addition to any other penalty provided by
5 law.

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

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

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

15 399.106 Elevator Safety Technical Advisory
16 Committee.--

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

21 Section 9. Section 399.125, Florida Statutes, is
22 amended to read:

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

1 Section 10. Section 399.13, Florida Statutes, is
2 amended to read:

3 399.13 Delegation of authority to municipalities or
4 counties.--

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

24 (2) The department may make inspections of elevators
25 in such municipality or county for the purpose of determining
26 that the provisions of this chapter are being met and may
27 cancel the contract with any municipality or county which the
28 department finds has failed to comply with such contract or
29 the provisions of this chapter. The amendments to chapter 399
30 by this act shall apply only to the installation, relocation,
31

1 or alteration of an elevator for which a permit has been
2 issued after October 1, 1990.

3 Section 11. Subsection (1) of section 509.072, Florida
4 Statutes, is amended to read:

5 509.072 Hotel and Restaurant Trust Fund; collection
6 and disposition of moneys received.--

7 (1)(a) There is created a Hotel and Restaurant Trust
8 Fund to be used for the administration and operation of the
9 division and the carrying out of all laws and rules under the
10 jurisdiction of the division pertaining to the construction,
11 maintenance, and operation of public lodging establishments
12 and public food service establishments, including the
13 inspection of elevators as required under chapter 399. All
14 funds collected by the division and the amounts paid for
15 licenses and fees shall be deposited in the State Treasury
16 into the Hotel and Restaurant Trust Fund.

17 (b) The department shall maintain a separate account
18 in the Hotel and Restaurant Trust Fund for funds collected for
19 the inspection of elevators as required under chapter 399. To
20 the maximum extent possible, the department shall directly
21 charge all expenses to the account for elevator inspections.
22 For the purpose of this paragraph, direct charge expenses
23 include, but are not limited to, costs for investigations,
24 examinations, or legal services. For expenses that cannot be
25 charged directly, the department shall provide for the
26 proportionate allocation among the accounts of expenses
27 incurred by the department in the performance of its duties.
28 The department may not expend funds from the account of the
29 elevator inspections to pay for the expenses incurred on
30 behalf of hotel or restaurant regulation, nor may the funds be
31 deposited or transferred into any other trust fund

1 administered by the department or any of its divisions. The
2 department shall maintain adequate records to support its
3 allocation of the department's expenses.

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

7 553.74 Florida Building Commission.--

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

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

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

19 Section 13. Section 604.50, Florida Statutes, is
20 amended to read:

21 604.50 Nonresidential farm buildings.--Notwithstanding
22 any other law to the contrary, any nonresidential farm
23 building located on a farm is exempt from the Florida Building
24 Code and any county or municipal building code. For purposes
25 of this section "nonresidential farm building" means any
26 building or support structure used by a farm operation that is
27 not used as a residential dwelling and is located on land
28 classified as agricultural land pursuant to s. 193.461 ~~located~~
29 ~~on a farm that is not used as a residential dwelling.~~ Farm is
30 as defined in s. 823.14.
31

1 Section 14. (1) The Legislature directs the Florida
2 Building Commission to develop building code provisions that
3 may be added to the Florida Building Code to facilitate the
4 rehabilitation and use of existing structures. The commission
5 shall select from available national or international model
6 codes or the codes or code provisions adopted by another state
7 to form the foundation for the code provisions required by
8 this section.

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

17 (3) In conjunction with its code development
18 activities, the commission shall identify legislative changes
19 required to implement the code provisions developed pursuant
20 to subsections (1) and (2).

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

28 Section 15. Except as otherwise provided herein, this
29 act shall take effect upon becoming a law.
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HOUSE SUMMARY

Requires the Florida Building Commission to develop building code provisions to facilitate the rehabilitation and use of existing structures. Requires the commission to identify legislative changes required to implement such code provisions. Requires a report to the Legislature.