

By the Committee on Regulated Industries; and Senator Campbell

315-1954A-02

1 A bill to be entitled
2 An act relating to elevator inspections;
3 amending s. 399.01, F.S.; requiring that
4 elevator service maintenance contracts be made
5 available to the department upon request for
6 oversight purposes; revising qualifications for
7 an elevator certificate of competency; amending
8 s. 399.02, F.S.; providing that each elevator
9 owner is responsible for inspections;
10 eliminating a requirement that the department
11 review service maintenance contracts and
12 determine whether they ensure safe operation;
13 amending s. 399.03, F.S.; providing additional
14 requirements for issuance of elevator permits;
15 providing requirements for original inspection
16 report; providing for temporary operation
17 inspections; amending s. 399.049, F.S.;
18 revising grounds for suspension or revocation
19 of certification or registration; amending s.
20 399.061, F.S.; eliminating an exception to
21 annual inspections requirement; revising
22 reporting requirements; amending s. 399.07,
23 F.S.; extending the period of validity of
24 certificate of operation from 1 to 2 years;
25 eliminating a fee and provisions for deposit of
26 fees; amending s. 399.105, F.S.; eliminating
27 restriction on issuance of fine; amending s.
28 399.106, F.S.; conforming a reference to
29 committee; amending s. 399.125, F.S.;
30 eliminating a reporting requirement; amending
31 s. 399.13, F.S.; allowing local government that

1 assumes elevator inspection duties to hire
2 private inspectors to conduct inspections;
3 amending s. 509.072, F.S.; requiring the
4 Department of Business and Professional
5 Regulation to separately account for the funds
6 collected for the inspection of elevators in
7 the Hotel and Restaurant Trust Fund; providing
8 an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 399.01, Florida Statutes, is
13 amended to read:

14 399.01 Definitions.--As used in this chapter, the
15 term:

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

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

23 (2)~~(3)~~ "Certificate of operation" means a document
24 issued by the department which indicates that the conveyance
25 has had the required safety inspection and tests and that fees
26 have been paid as provided in this chapter.

27 (3)~~(4)~~ "Conveyance" means an elevator, dumbwaiter,
28 escalator, moving sidewalk, platform lift, and stairway
29 chairlift.

30 (4)~~(5)~~ "Department" means the Department of Business
31 and Professional Regulation.

1 (5)~~(6)~~ "Division" means the Division of Hotels and
2 Restaurants of the Department of Business and Professional
3 Regulation.

4 (6)~~(7)~~ "Elevator" means one of the following
5 mechanical devices:

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

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

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

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

18 (e) An inclined stairway chairlift, which is a device
19 used to transport physically handicapped persons over
20 architectural barriers.

21 (f) An inclined or vertical wheelchair lift, which is
22 a device used to transport wheelchair handicapped persons over
23 architectural barriers.

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

26 (7)~~(9)~~ "Existing installation" means an installation
27 defined as an "installation, existing" in the Florida Building
28 Code.

29 (8)~~(10)~~ "Elevator Safety Technical Advisory Committee"
30 means the committee appointed by the secretary of the
31 Department of Business and Professional Regulation.

1 (9)~~(11)~~ "Private residence" means a separate dwelling
2 or a separate apartment in a multiple dwelling which is
3 occupied by members of a single-family unit.

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

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

30 (12)~~(14)~~ "Temporary operation inspection permit" means
31 an inspection performed by a certified elevator inspector, the

1 successful passage of a document issued by the department
2 which permits the temporary use of a noncompliant vertical
3 conveyance as provided by rule.

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

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

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1 ~~(15)(17)~~ "Certified elevator technician" means a
2 natural person authorized by the division to construct,
3 install, maintain, or repair any vertical conveyance, after
4 having been issued an elevator certificate of competency by
5 the division. Each certified elevator technician must annually
6 register with the division and be covered by ~~maintain~~ general
7 liability insurance coverage in the minimum amounts set by the
8 division.

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

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

27 (a) Four years' work experience in the construction,
28 maintenance, service, and repair of conveyances covered by
29 this chapter. This experience shall be verified by current or
30 previously registered elevator companies as required by the
31 division.

1 (b) One of the following:

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

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

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

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

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

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

22 399.02 General requirements.--

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

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

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

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

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

25 Section 3. Section 399.03, Florida Statutes, is
26 amended to read:

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

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

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

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

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

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

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

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

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

3 (4) A permit expires if:

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

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

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

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

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

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

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

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

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

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

30 ~~(b)~~ Temporary use is authorized only when a
31 satisfactory temporary operation inspection report, completed

1 within the last 30 days, and a notice prescribed by the
2 department, bearing a statement that the elevator has not been
3 finally approved by a certified elevator inspector, are
4 conspicuously posted in the elevator.

5 Section 4. Section 399.049, Florida Statutes, is
6 amended to read:

7 399.049 Certificate of competency.--

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

18 (a) Any false statement as to a material matter in an
19 the application for licensure, permit, or certificate of
20 operation.

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

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

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

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

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

7 399.061 Inspections; service maintenance contracts;
8 correction of deficiencies.--

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

25 (b) A statement verifying the existence and
26 performance of each service maintenance contract must be filed
27 at least annually with the division, and as prescribed by
28 rule. Cancellation of a service maintenance contract must be
29 reported to the division as prescribed in rule.~~The division~~
30 ~~may inspect an elevator whenever necessary to ensure its safe~~
31

1 ~~operation or when a third-party inspection service is not~~
2 ~~available for a routine inspection.~~

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

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

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

25 Section 6. Section 399.07, Florida Statutes, is
26 amended to read:

27 399.07 Certificates of operation; ~~temporary operation~~
28 ~~permits~~fees.--

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

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1 ~~stating that the elevator company supervisor directly~~
2 ~~supervised construction or installation of the elevator.~~

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

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

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

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

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

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

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

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

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

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

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

18 Section 7. Section 399.105, Florida Statutes, is
19 amended to read:

20 399.105 Administrative fines.--

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

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

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

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

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

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

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

23 399.106 Elevator Safety Technical Advisory
24 Committee.--

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

29 Section 9. Section 399.125, Florida Statutes, is
30 amended to read:

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

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

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

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

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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. Section 509.072, Florida Statutes, is
13 amended to read:

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

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

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

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

13 (3)(2) Fees collected under s. 509.302(3) and
14 deposited into the trust fund must be used solely for the
15 purpose of funding the Hospitality Education Program, except
16 for any trust fund service charge imposed by s. 215.20, and
17 may not be used to pay for any expense of the division not
18 directly attributable to the Hospitality Education Program.
19 These funds may not be deposited or transferred into any other
20 trust fund administered by the Department of Business and
21 Professional Regulation or any of its divisions. For audit
22 purposes, fees collected under s. 509.302(3) and all charges
23 against those fees must be maintained by the department as a
24 separate ledger.

25 Section 12. This act shall take effect upon becoming a
26 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 990
4 The Committee Substitute:
5 -Deletes a requirement that the department review service
6 maintenance contracts and determine whether they ensure safe
7 operation of the elevator.
8 -Provides that inspections for temporary elevator use are to
9 be conducted by a private inspector, not a state elevator
10 inspector.
11 -Requires that a certified elevator inspector file a copy of
12 an elevator inspection report within 5 days after the
13 inspection and subjects the inspector to discipline for
14 failure to do so.
15 -Requires an annual inspection for all elevators.
16 -Allows a local government that assumes elevator inspection
17 duties to hire private inspector to conduct inspections.
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