

By the Committees on Appropriations; Regulated Industries; and
Senator Campbell

309-2272-02

1 A bill to be entitled
2 An act relating to business regulation;
3 amending s. 509.032, F.S.; providing for annual
4 rather than biannual inspections of transient
5 and nontransient apartments; revising notice
6 and license requirements for temporary food
7 service events; amending s. 509.039, F.S.;
8 revising requirements for testing and
9 certification of food service managers;
10 amending s. 509.251, F.S.; excluding certain
11 fees from the maximum aggregate license fee for
12 public food service establishments; amending s.
13 509.291, F.S.; providing for increased
14 coordination and consultation among the
15 Secretary of Business and Professional
16 Regulation, the Division of Hotels and
17 Restaurants, and the advisory council; amending
18 s. 509.302, F.S.; increasing the annual fee
19 collected for the purpose of funding the
20 Hospitality Education Program; amending s.
21 399.01, F.S.; revising and removing
22 definitions; requiring that elevator service
23 maintenance contracts be made available to the
24 Department of Business and Professional
25 Regulation upon request for oversight purposes;
26 revising qualifications for an elevator
27 certificate of competency; amending s. 399.02,
28 F.S.; providing that each elevator owner is
29 responsible for inspections and correction of
30 code deficiencies; eliminating a requirement
31 that the department review service maintenance

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

1 elevator inspection duties to hire private
2 inspectors to conduct inspections; providing an
3 effective date.

4
5 Be It Enacted by the Legislature of the State of Florida:

6
7 Section 1. Paragraph (a) of subsection (2) and
8 paragraph (c) of subsection (3) of section 509.032, Florida
9 Statutes, are amended to read:

10 509.032 Duties.--

11 (2) INSPECTION OF PREMISES.--

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

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

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

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

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

29 2. The division shall keep a record of all
30 notifications received for proposed temporary food service
31 events and shall provide appropriate educational materials to

1 the event sponsors, including the food-recovery brochure
2 developed under s. 570.0725.

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

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

18 Section 2. Section 509.039, Florida Statutes, is
19 amended to read:

20 509.039 Food service manager certification.--It is the
21 duty of the division to adopt, by rule, food safety protection
22 standards for the training and certification of all food
23 service managers who are responsible for the storage,
24 preparation, display, or serving of foods to the public in
25 establishments regulated under this chapter. The division
26 standards must be consistent with the Standards for
27 Accreditation of Food Protection Manager Certification
28 Programs, as adopted by the Conference for Food Protection.
29 These standards are to be adopted by the division to ensure
30 that, upon successfully passing a test, approved by the
31 Conference for Food Protection, a manager of a food service

1 establishment shall have demonstrated a knowledge of basic
2 food protection practices. The division may contract with an
3 organization offering a training and certification program
4 that complies with division standards and results in a
5 certification recognized by the Conference for Food Protection
6 ~~These standards shall also provide for a certification program~~
7 ~~which authorizes private or public agencies to conduct an~~
8 approved test and certify the results of those tests to the
9 division. Other organizations offering programs that meet the
10 same requirements may also conduct approved tests, with all
11 test results to be certified by such organizations to the
12 division. The division may charge contracted organizations a
13 fee of no more than \$5 per certified test to cover the
14 division's administrative costs regarding the manager training
15 and certification program.~~The fee for the test shall not~~
16 ~~exceed \$50.~~ All managers employed by a food service
17 establishment must have passed an approved ~~this~~ test and
18 received a certificate attesting thereto. Managers have a
19 period of 90 days after employment to pass the required test.
20 The ranking of food service establishments is also preempted
21 to the state; provided, however, that any local ordinances
22 establishing a ranking system in existence prior to October 1,
23 1988, may remain in effect.

24 Section 3. Subsections (1) and (2) of section 509.251,
25 Florida Statutes, are amended to read:

26 509.251 License fees.--

27 (1) The division shall adopt, by rule, a schedule of
28 fees to be paid by each public lodging establishment as a
29 prerequisite to issuance or renewal of a license. Such fees
30 shall be based on the number of rental units in the
31 establishment. The aggregate fee per establishment charged any

1 public lodging establishment ~~but~~ shall not exceed \$1,000;
2 however, the fees described in paragraphs (a) and (b) may not
3 be included as part of the aggregate fee subject to this cap.
4 Resort condominium units within separate buildings or at
5 separate locations but managed by one licensed agent may be
6 combined in a single license application, and the division
7 shall charge a license fee as if all units in the application
8 are in a single licensed establishment. Resort dwelling units
9 may be licensed in the same manner as condominium units. The
10 fee schedule shall require an establishment which applies for
11 an initial license to pay the full license fee if application
12 is made during the annual renewal period or more than 6 months
13 prior to the next such renewal period and one-half of the fee
14 if application is made 6 months or less prior to such period.
15 The fee schedule shall include fees collected for the purpose
16 of funding the Hospitality Education Program, pursuant to s.
17 509.302, which are payable in full for each application
18 regardless of when the application is submitted.

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

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

1 exceed \$100, in addition to the renewal fee and any other fees
2 required by law.

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

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

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28 30 days after the expiration date shall be accompanied by a
29 delinquent fee as prescribed by rule, not to exceed \$50, in
30 addition to the renewal fee and any other fees required by
31 law. A license renewal filed with the division more than 30

1 but not more than 60 days after the expiration date shall be
2 accompanied by a delinquent fee as prescribed by rule, not to
3 exceed \$100, in addition to the renewal fee and any other fees
4 required by law.

5 Section 4. Subsection (2) of section 509.291, Florida
6 Statutes, is amended, and subsections (5) and (6) are added to
7 said section, to read:

8 509.291 Advisory council.--

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

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

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

3 Section 5. Subsection (3) of section 509.302, Florida
4 Statutes, is amended to read:

5 509.302 Director of education, personnel, employment
6 duties, compensation.--

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

12 Section 6. 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, or ~~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. A
11 service maintenance contract shall be made available upon
12 request of the department for purposes of oversight and
13 monitoring.

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

31

1 ~~(12)(14)~~ "Temporary operation inspection permit" means
2 an inspection performed by a certified elevator inspector, the
3 successful passage of a document issued by the department
4 which permits the temporary use of a noncompliant vertical
5 conveyance as provided by rule.

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

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

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.

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

27 1. 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 2. One of the following:
2 a. 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 b. 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 c. 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 (b) A licensed mechanical engineer whose license is in
16 good standing may be granted an elevator certificate of
17 competency.

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

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

23 399.02 General requirements.--

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

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

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

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

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

26 | Section 8. Section 399.03, Florida Statutes, is
27 | amended to read:

28 | 399.03 Design, installation, and alteration of
29 | conveyances.--

30 | (1) A conveyance covered by this chapter may not be
31 | erected, constructed, installed, or altered within buildings

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

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

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

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

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

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

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

5 (4) A permit expires if:

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

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

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

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

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

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

29 ~~(7)(8)~~ Each elevator shall comply with the edition of
30 the Florida Building Code or Elevator Safety Code that was in
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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

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

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

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

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

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

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

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

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

1 initial certificate of operation is issued of a conveyance
2 ~~covered by this chapter that is not in compliance with the~~
3 ~~provisions of the elevator safety code incorporated into the~~
4 ~~Florida Building Code.~~

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

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

9 Section 10. Section 399.061, Florida Statutes, is
10 amended to read:

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

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

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

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

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

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

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

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

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

21 Section 12. Section 399.105, Florida Statutes, is
22 amended to read:

23 399.105 Administrative fines.--

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

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

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

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

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

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

27 399.106 Elevator Safety Technical Advisory
28 Committee.--

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

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

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

14 Section 15. Section 399.13, Florida Statutes, is
15 amended to read:

16 399.13 Delegation of authority to municipalities or
17 counties.--

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

1 issued; shall include a provision that each required
2 inspection be conducted by a certified elevator inspector ~~the~~
3 ~~holder of a certificate of competency issued by the~~
4 ~~department~~; and may include such other provisions as the
5 department deems necessary.

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

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

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for SB 990
4 Requires only one annual inspection of apartments.
5 Revises licenses for temporary food service events and
6 provides caps on fees.
7 Allows private entities to administer the food safety test for
8 food service managers and removes the \$50 cap on the fee to be
9 charged for the test. Allows the department to charge an
10 administrative fee of \$5 on each test.
11 Excludes the initial fee and delinquent renewal fees from the
12 annual fee cap for public lodging establishments and public
13 food service establishments.
14 Requires the department advisory council to review the
15 division's budget.
16 Increases the annual fee for the Hospitality Education Program
17 from \$6 to \$10.
18 Removes language requiring a separate account within the Hotel
19 and Restaurant Trust Fund for costs associated with the
20 regulation of elevators.
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