

1 A bill to be entitled  
2 An act relating to elevator safety; amending s. 399.01,  
3 F.S.; revising definitions relating to elevator safety;  
4 creating s. 399.015, F.S.; providing for applicability and  
5 exceptions; amending s. 399.02, F.S.; requiring that the  
6 Department of Business and Professional Regulation perform  
7 certain functions relating to conveyance inspections and  
8 the certification and licensing of elevator professionals  
9 and companies; authorizing the department to employ  
10 certified elevator inspectors to monitor and oversee  
11 licenseholders and certificate of operation holders;  
12 authorizing the Division of Hotels and Restaurants of the  
13 department to grant requests for variances for undue  
14 hardship; providing conditions for granting such  
15 variances; requiring that the Elevator Safety Technical  
16 Advisory Council review applications for such variances  
17 and recommend agency action; requiring that the division  
18 expedite emergency requests for variances; requiring that  
19 the division adopt rules establishing a variance  
20 application process and associated fees; amending s.  
21 399.03, F.S.; revising provisions relating to permits for  
22 conveyances; replacing the term "registered" with  
23 "certified"; requiring that a permit be revoked if a  
24 worksite or work being performed is not directly  
25 supervised by a certified elevator professional; creating  
26 s. 399.032, F.S.; providing requirements for the  
27 installation and alteration of conveyances; requiring that  
28 the department assign a license number to each conveyance;

29 providing requirements for the display of such license  
30 number; creating s. 399.033, F.S.; providing requirements  
31 for the temporary operation of a conveyance during  
32 installation or alteration for a specified period after  
33 inspection; requiring that the temporary use of a  
34 conveyance not exceed 180 days; requiring that the  
35 department post a notice in a conveyance that is being  
36 temporarily used; requiring that the notice contain  
37 certain statements; requiring that the division adopt  
38 rules; amending s. 399.035, F.S.; revising provisions  
39 relating to the requirements for elevator accessibility  
40 for the physically handicapped; providing requirements for  
41 buildings issued a construction permit after a specified  
42 date; amending s. 399.049, F.S.; revising provisions  
43 relating to disciplinary action taken by the department  
44 for certain violations by a certified elevator inspector,  
45 elevator technician, elevator company, or certificate of  
46 operation holder; providing for additional violations;  
47 amending s. 399.061, F.S.; revising provisions relating to  
48 inspections and service maintenance contracts; requiring  
49 that the division perform industry inspections to regulate  
50 the quality of annual inspections; authorizing the  
51 division to employ state elevator inspectors on a  
52 probationary status if certain qualifications are met;  
53 requiring that the probationary period not exceed 1 year;  
54 amending s. 399.07, F.S.; decreasing the period that a  
55 certificate of operation is valid; authorizing the  
56 department to revoke a certificate of operation if the

57 | department determines that the inspection report contains  
58 | omissions or errors; amending s. 399.10, F.S.; providing  
59 | penalties; amending s. 399.105, F.S.; increasing the  
60 | period in which an owner of a conveyance must comply with  
61 | an order to correct; amending s. 399.1061, F.S.; providing  
62 | for members of the Elevator Safety Technical Advisory  
63 | Council to appoint a vice chair from among its membership;  
64 | requiring that the council meet at least once annually and  
65 | upon the division's request or a majority vote of the  
66 | council members; requiring that the council develop and  
67 | submit proposed revisions of ch. 399, F.S., to the  
68 | director of the Division of Hotels and Restaurants;  
69 | requiring that the council annually review the Safety Code  
70 | for Elevators and Escalators and submit recommendations  
71 | for revisions to the Florida Building Code to the Florida  
72 | Building Commission; amending s. 399.11, F.S.; revising  
73 | provisions relating to penalties; amending s. 399.125,  
74 | F.S.; revising provisions relating to the reporting  
75 | requirements for certain conveyance accidents; requiring  
76 | that a state elevator inspector conduct a safety  
77 | inspection within a specified period after receiving an  
78 | accident report; requiring that the division submit an  
79 | annual report that analyzes accidents to the Governor and  
80 | the Legislature by a specified date; amending s. 399.13,  
81 | F.S.; revising provisions relating to the authority of  
82 | municipalities or counties to issue construction,  
83 | installation, and alteration permits and certificates of  
84 | operation and to inspect conveyances; authorizing

85 municipalities and counties to issue temporary operating  
86 permits; amending s. 399.15, F.S.; requiring that the  
87 department maintain a regional emergency elevator access  
88 registry; creating s. 399.16, F.S.; providing requirements  
89 for the issuance of certificates of competency, certified  
90 elevator professional licensure, and elevator company  
91 certification; providing requirements for the renewal of  
92 such certificates and fees; requiring that the department  
93 adopt rules; requiring that the fees collected from  
94 certifications, licenses, and renewals be deposited into  
95 the Hotel and Restaurant Trust Fund; creating s. 399.17,  
96 F.S.; providing penalties for unlicensed activity;  
97 authorizing the department to issue a stop-work order for  
98 unlicensed work upon a finding of probable cause;  
99 authorizing a state elevator inspector to issue a citation  
100 for unlicensed activity; requiring that the citation  
101 contain certain information; authorizing the division to  
102 issue citations and establish procedures and penalties;  
103 providing for administrative hearings; creating s. 399.18,  
104 F.S.; providing duties and requirements for certified  
105 elevator professionals; creating s. 399.19, F.S.;  
106 providing duties and requirements for owners of  
107 conveyances; creating s. 399.20, F.S.; requiring that  
108 certain municipal and county officers assist the division  
109 or its agents in enforcing ch. 399, F.S.; amending s.  
110 553.509, F.S.; deleting provisions related to vertical  
111 accessibility to conform to changes made by the act;  
112 providing an effective date.

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

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

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

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

(2) "Certificate of competency" means a credential issued by the division to any natural person who is qualified to perform the work of a certified elevator technician or certified elevator inspector.

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

(4) "Certified elevator company" means a business entity registered with and authorized by the division which employs certified elevator professionals to construct, install, inspect, maintain, or repair any conveyance.

(5) "Certified elevator inspector" means a natural person who is licensed by the division and qualified to construct, install, inspect, maintain, or repair any conveyance.

(6) "Certified elevator professional" means a natural person who is qualified to perform the duties of a certified elevator technician or certified elevator inspector and

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141 maintains a certificate of competency or a license issued by the  
142 department.

143 (7) "Certified elevator technician" means a natural person  
144 who is licensed by the division and qualified to construct,  
145 install, maintain, or repair any conveyance.

146 (8)-(3) "Conveyance" means one of the following mechanical  
147 devices:

148 (a) An elevator, which is a hoisting and lowering  
149 mechanism, is equipped with a car and platform that moves in  
150 guide rails, and serves two or more landings to transport  
151 material or passengers or both.

152 (b) An escalator, which is a power-driven, inclined  
153 continuous stairway that is used for raising or lowering  
154 passengers.

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

158 (d) A moving walk that is a type of passenger-carrying  
159 device on which passengers stand or walk and in which the  
160 passenger-carrying surface remains parallel to its direction of  
161 motion and is uninterrupted.

162 (e) An inclined stairway chairlift that is used to  
163 transport physically handicapped persons over architectural  
164 barriers.

165 (f) An inclined or vertical wheelchair lift that is used  
166 to transport wheelchair-bound handicapped persons over  
167 architectural barriers. ~~an elevator, dumbwaiter, escalator,~~  
168 ~~moving sidewalk, platform lift, or stairway chairlift.~~

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169        (9)~~(4)~~ "Department" means the Department of Business and  
170 Professional Regulation.

171        (10) "Direct supervision" means that a certified elevator  
172 professional is within the physical proximity of and personally  
173 supervising an elevator helper, enabling timely observation and  
174 evaluation of the work being performed, and ensuring that the  
175 work is completed in accordance with the Florida Building Code,  
176 this chapter, and the rules adopted by the division.

177        (11)~~(5)~~ "Division" means the Division of Hotels and  
178 Restaurants of the Department of Business and Professional  
179 Regulation.

180        ~~(6) "Elevator" means one of the following mechanical~~  
181 ~~devices:~~

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

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

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

190        ~~(d) A moving walk, which is a type of passenger-carrying~~  
191 ~~device on which passengers stand or walk and in which the~~  
192 ~~passenger-carrying surface remains parallel to its direction of~~  
193 ~~motion and is uninterrupted.~~

194        ~~(e) An inclined stairway chairlift, which is a device used~~  
195 ~~to transport physically handicapped persons over architectural~~  
196 ~~barriers.~~

197 ~~(f) An inclined or vertical wheelchair lift, which is a~~  
 198 ~~device used to transport wheelchair handicapped persons over~~  
 199 ~~architectural barriers.~~

200 ~~(7) "Existing installation" means an installation defined~~  
 201 ~~as an "installation, existing" in the Florida Building Code.~~

202 (12) "Elevator helper" means a natural person who is not  
 203 licensed or certified by the division and who performs work to  
 204 construct, install, maintain, or repair any conveyance under the  
 205 direct supervision of a certified elevator professional.

206 (13)~~(8)~~ "Elevator Safety Technical Advisory Council  
 207 Committee" means the council committee appointed by the  
 208 Secretary of the Department of Business and Professional  
 209 Regulation.

210 (14) "Existing installation" means the installation of a  
 211 conveyance that has completed all construction permit  
 212 requirements, that is not in temporary use, and that has been  
 213 issued a certificate of operation by the division.

214 (15) "Inspection" means the physical examination of a  
 215 conveyance for compliance with the Elevator Safety Code, as  
 216 specified by state law, which is performed by a certified  
 217 elevator inspector in accordance with this chapter and the rules  
 218 adopted by the division.

219 (16) "Inspection report" means a record containing the  
 220 results of an inspection which is completed on a form prescribed  
 221 by rule.

222 (17) "New installation" means a conveyance that is under  
 223 construction until a final acceptance inspection is  
 224 satisfactorily completed and the conveyance is turned over to



225 the owner for public use.

226 (18) "Owner" means the person who is legally and  
 227 financially responsible for the installation, alteration,  
 228 repair, replacement, or maintenance of a certificate of  
 229 operation and the safe operation of the conveyance.

230 (19) "Private elevator inspector" means a certified  
 231 elevator inspector who is self-employed, employed by a certified  
 232 elevator company, or employed by a private business entity.

233 ~~(20)(9)~~ "Private residence" means a separate dwelling or a  
 234 separate apartment in a multiple dwelling which is occupied by  
 235 members of a single-family unit.

236 (21) "Sealed conveyance" means a conveyance that has been  
 237 removed from public use by a state elevator inspector in a  
 238 manner prescribed by rule.

239 ~~(22)(10)~~ "Service maintenance contract" means a contract  
 240 that provides for routine examination, lubrication, cleaning,  
 241 adjustment, replacement of parts, and performance of applicable  
 242 code-required safety tests such as on a traction elevator and  
 243 annual relief pressure test on a hydraulic elevator and any  
 244 other service, repair, and maintenance sufficient to ensure the  
 245 safe operation of the elevator. ~~A service maintenance contract~~  
 246 ~~shall be made available upon request of the department for~~  
 247 ~~purposes of oversight and monitoring.~~

248 (23) "State elevator inspector" means a certified elevator  
 249 inspector who is employed by the department or other  
 250 governmental entity for the purpose of conducting conveyance  
 251 inspections and compliance activities on behalf of the  
 252 department.

253           ~~(11) "Temporarily dormant conveyance" means a conveyance~~  
 254 ~~whose power supply has been disconnected by removing fuses and~~  
 255 ~~placing a padlock on the mainline disconnect switch in the "OFF"~~  
 256 ~~position. The car is parked, and the hoistway doors are in the~~  
 257 ~~closed and latched position. A wire seal is installed on the~~  
 258 ~~mainline disconnect switch by a certified elevator inspector.~~  
 259 ~~This conveyance may not be used again until it has been put in~~  
 260 ~~safe running order and is in condition for use. Annual~~  
 261 ~~inspections shall continue for the duration of the temporarily~~  
 262 ~~dormant status by a certified elevator inspector. The~~  
 263 ~~temporarily dormant status is renewable on an annual basis and~~  
 264 ~~may not exceed a 5-year period. The inspector shall file a~~  
 265 ~~report with the department describing the current conditions.~~  
 266 ~~The wire seal and padlock may not be removed for any purpose~~  
 267 ~~without permission from the department.~~

268           ~~(24)~~~~(12)~~ "Temporary operation inspection" means an  
 269 inspection performed by a certified elevator inspector, the  
 270 successful passage of which permits the temporary use of a  
 271 noncompliant ~~vertical~~ conveyance for construction purposes as  
 272 provided by rule.

273           ~~(13) "Registered elevator company" means an entity~~  
 274 ~~registered with and authorized by the division employing persons~~  
 275 ~~to construct, install, inspect, maintain, or repair any vertical~~  
 276 ~~conveyance. Each registered elevator company must annually~~  
 277 ~~register with the division and maintain general liability~~  
 278 ~~insurance coverage in the minimum amounts set by rule.~~

279           ~~(14) "Certified elevator inspector" is a natural person~~  
 280 ~~registered with and authorized by the division to construct,~~

281 ~~install, inspect, maintain, or repair any vertical conveyance,~~  
282 ~~after having properly acquired the qualified elevator inspector~~  
283 ~~credential as prescribed by the American Society of Mechanical~~  
284 ~~Engineers. Each certified elevator inspector must annually~~  
285 ~~register with the division and provide proof of completion of 8~~  
286 ~~hours of continuing education, proof that the qualified elevator~~  
287 ~~inspector credential remains in good standing, and proof of~~  
288 ~~general liability insurance coverage in the minimum amounts set~~  
289 ~~by the division.~~

290 ~~(15) "Certified elevator technician" means a natural~~  
291 ~~person authorized by the division to construct, install,~~  
292 ~~maintain, or repair any vertical conveyance, after having been~~  
293 ~~issued an elevator certificate of competency by the division.~~  
294 ~~Each certified elevator technician must annually register with~~  
295 ~~the division and be covered by general liability insurance~~  
296 ~~coverage in the minimum amounts set by the division.~~

297 ~~(16) "Elevator helper" means a natural person performing~~  
298 ~~work under the direct supervision of an elevator certificate of~~  
299 ~~competency holder to construct, install, maintain, or repair any~~  
300 ~~vertical conveyance.~~

301 ~~(17) "Elevator certificate of competency" means a~~  
302 ~~credential issued by the division to any individual natural~~  
303 ~~person successfully completing an examination as prescribed by~~  
304 ~~rule and paying a nonrefundable fee of \$50. Such credential~~  
305 ~~shall be valid for and expire at the end of 1 year, and may be~~  
306 ~~renewed by the division when the division receives proof of the~~  
307 ~~elevator certificate of competency holder's completion of 8~~  
308 ~~hours of continuing education from a provider approved by the~~

309 ~~department and a nonrefundable renewal fee of \$50. The~~  
 310 ~~department shall adopt by rule criteria for providing approval~~  
 311 ~~and procedures for continuing education reporting.~~

312 ~~(a) An elevator certificate of competency may be issued~~  
 313 ~~only if the applicant meets the following requirements:~~

314 ~~1. Four years' work experience in the construction,~~  
 315 ~~maintenance, service, and repair of conveyances covered by this~~  
 316 ~~chapter. This experience shall be verified by current or~~  
 317 ~~previously registered elevator companies as required by the~~  
 318 ~~division.~~

319 ~~2. One of the following:~~

320 ~~a. Proof of completion and successful passage of a written~~  
 321 ~~examination administered by the division or a provider approved~~  
 322 ~~by the division under standards it adopted by rule.~~

323 ~~b. Proof of completion of an apprenticeship program for~~  
 324 ~~elevator mechanics which has standards substantially equivalent~~  
 325 ~~to those found in a national training program for elevator~~  
 326 ~~mechanics and is registered with the Bureau of Apprenticeship~~  
 327 ~~and Training of the United States Department of Labor or a state~~  
 328 ~~apprenticeship authority.~~

329 ~~e. Proof of licensure or certification by a state or local~~  
 330 ~~jurisdiction in the United States having standards substantially~~  
 331 ~~equal to or more stringent than those of this chapter.~~

332 ~~(b) A licensed mechanical engineer whose license is in~~  
 333 ~~good standing may be granted an elevator certificate of~~  
 334 ~~competency.~~

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336 All other building transportation terms are defined in the

337 current Florida Building Code.

338 Section 2. Section 399.015, Florida Statutes, is created  
339 to read:

340 399.015 Application.--

341 (1) This chapter applies to the design, construction,  
342 operation, inspection, testing, maintenance, alteration, and  
343 repair of the following equipment and its associated parts and  
344 hoistways:

345 (a) Hoisting and lowering mechanisms equipped with a car  
346 or platform that moves between two or more landings, including,  
347 but not limited to, elevators, platform lifts, and stairway  
348 chairlifts.

349 (b) Power-driven stairways and walkways for carrying  
350 persons between landings, including, but not limited to,  
351 escalators and moving walks.

352 (c) Hoisting and lowering mechanisms equipped with a car  
353 that serves two or more landings and is restricted to the  
354 carrying of material by its limited size or limited access to  
355 the car, including, but not limited to, dumbwaiters, material  
356 lifts, and dumbwaiters having automatic-transfer devices.

357 (2) This chapter does not apply to:

358 (a) Personnel hoists within the scope of ANSI A10.4 and  
359 material hoists within the scope of ANSI A10.5.

360 (b) Man lifts within the scope of ASME A90.1.

361 (c) Mobile scaffolds, mobile towers, and platforms within  
362 the scope of ANSI/SIA A92.

363 (d) Powered platforms and equipment for exterior and  
364 interior maintenance within the scope of ASME A120.1.

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- 365        (e) Conveyors and related equipment within the scope of  
366 ASME B20.1.
- 367        (f) Cranes, derricks, hoists, hooks, jacks, and slings  
368 within the scope of ASME B30.
- 369        (g) Industrial trucks within the scope of ASME B56.
- 370        (h) Portable equipment, except for portable escalators,  
371 which are covered by ASME A17.1.
- 372        (i) Tiered or piling machines that are used to move  
373 materials to and from storage and that are located and operating  
374 entirely within one story.
- 375        (j) Equipment for feeding or positioning materials at  
376 machine tools and printing presses or other similar machinery.
- 377        (k) Skip or furnace hoists.
- 378        (l) Wharf ramps.
- 379        (m) Railroad car lifts or dumpers.
- 380        (n) Line jacks, false cars, shafters, moving platforms,  
381 and similar equipment used for installing an elevator.
- 382        (o) Automated people movers at airports.
- 383        (p) Elevators in television and radio towers.
- 384        (q) Hand-operated dumbwaiters.
- 385        (r) Sewage pump station lifts.
- 386        (s) Automobile parking lifts.
- 387        (t) Equipment covered in s. 1.1.2 of ASME A17.1, as  
388 adopted by the Florida Building Code.
- 389        (u) Elevators, inclined stairway chairlifts, and inclined  
390 or vertical wheelchair lifts located in private residences.
- 391        (v) Platform elevators installed in a ship or offshore  
392 drilling rig and used for the purpose of loading and unloading

393 cargo, equipment, and personnel.

394 (w) Dock levelers or freight platform lifts having a  
 395 travel distance of 500 millimeters, or 20 inches, or less.

396 (x) Amusement devices, stage and orchestra lifts, and lift  
 397 bridges and other lifting devices regulated by another agency.

398 Section 3. Section 399.02, Florida Statutes, is amended to  
 399 read:

400 399.02 General requirements.--

401 (1) The department shall:

402 (a) Monitor and oversee conveyance inspections for quality  
 403 assurance;

404 (b) Regulate conveyances, certified elevator  
 405 professionals, and certified elevator companies; and

406 (c) Enforce the Florida Building Code.

407 (2) In order to perform its duties and responsibilities  
 408 under this section, the division may enter and have reasonable  
 409 access to all buildings and rooms or spaces in which an existing  
 410 or newly installed conveyance and equipment are located.

411 ~~(1) The Elevator Safety Technical Advisory Committee shall~~  
 412 ~~develop and submit to the Director of Hotels and Restaurants~~  
 413 ~~proposed revisions to the elevator safety code so that it is the~~  
 414 ~~same as or similar to the latest editions of ASME A17.1, ASME~~  
 415 ~~A17.3, and ASME A18.1.~~

416 ~~(2) This chapter covers the design, construction,~~  
 417 ~~operation, inspection, testing, maintenance, alteration, and~~  
 418 ~~repair of the following equipment and its associated parts and~~  
 419 ~~hoistways:~~

420 ~~(a) Hoisting and lowering mechanisms equipped with a car~~

421 ~~or platform which move between two or more landings. This~~  
422 ~~equipment includes, but is not limited to, elevators, platform~~  
423 ~~lifts, and stairway chairlifts.~~

424 ~~(b) Power driven stairways and walkways for carrying~~  
425 ~~persons between landings. This equipment includes, but is not~~  
426 ~~limited to, escalators and moving walks.~~

427 ~~(c) Hoisting and lowering mechanisms equipped with a car~~  
428 ~~which serves two or more landings and is restricted to the~~  
429 ~~carrying of material by its limited size or limited access to~~  
430 ~~the car. This equipment includes, but is not limited to,~~  
431 ~~dumbwaiters, material lifts, and dumbwaiters with automatic~~  
432 ~~transfer devices.~~

433 ~~(3) Equipment not covered by this chapter includes, but is~~  
434 ~~not limited to:~~

435 ~~(a) Personnel hoists and material hoists within the scope~~  
436 ~~of ASME A10, as adopted by the Florida Building Code.~~

437 ~~(b) Man lifts within the scope of ASME A90.1, as adopted~~  
438 ~~by the Florida Building Code.~~

439 ~~(c) Mobile scaffolds, towers, and platforms within the~~  
440 ~~scope of ANSI A92, as adopted by the Florida Building Code.~~

441 ~~(d) Powered platforms and equipment for exterior and~~  
442 ~~interior maintenance within the scope of ASME A120.1, as adopted~~  
443 ~~by the Florida Building Code.~~

444 ~~(e) Conveyors and related equipment within the scope of~~  
445 ~~ASME B20.1, as adopted by the Florida Building Code.~~

446 ~~(f) Cranes, derricks, hoists, hooks, jacks, and slings~~  
447 ~~within the scope of ASME B30, as adopted by the Florida Building~~  
448 ~~Code.~~



449 ~~(g) Industrial trucks within the scope of ASME B56, as~~  
 450 ~~adopted by the Florida Building Code.~~

451 ~~(h) Portable equipment, except for portable escalators~~  
 452 ~~that are covered by the Florida Building Code.~~

453 ~~(i) Tiered or piling machines used to move materials to~~  
 454 ~~and from storage located and operating entirely within one~~  
 455 ~~story.~~

456 ~~(j) Equipment for feeding or positioning materials at~~  
 457 ~~machine tools and printing presses.~~

458 ~~(k) Skip or furnace hoists.~~

459 ~~(l) Wharf ramps.~~

460 ~~(m) Railroad car lifts or dumpers.~~

461 ~~(n) Line jacks, false cars, shafters, moving platforms,~~  
 462 ~~and similar equipment used for installing an elevator by a~~  
 463 ~~contractor licensed in this state.~~

464 ~~(o) Automated people movers at airports.~~

465 ~~(p) Elevators in television and radio towers.~~

466 ~~(q) Hand-operated dumbwaiters.~~

467 ~~(r) Sewage pump station lifts.~~

468 ~~(s) Automobile parking lifts.~~

469 ~~(t) Equipment covered in s. 1.2 of the Elevator Safety~~  
 470 ~~Code.~~

471 ~~(u) Elevators, inclined stairway chairlifts, and inclined~~  
 472 ~~or vertical wheelchair lifts located in private residences.~~

473 ~~(4) Each elevator shall have a serial number assigned by~~  
 474 ~~the department painted on or attached to the elevator car in~~  
 475 ~~plain view and also to the driving mechanism. This serial number~~  
 476 ~~shall be shown on all required certificates and permits.~~

477 ~~(5) (a) The construction permitholder is responsible for~~  
478 ~~the correction of violations and deficiencies until the elevator~~  
479 ~~has been inspected and a certificate of operation has been~~  
480 ~~issued by the department. The construction permitholder is~~  
481 ~~responsible for all tests of new and altered equipment until the~~  
482 ~~elevator has been inspected and a certificate of operation has~~  
483 ~~been issued by the department.~~

484 ~~(b) The elevator owner is responsible for the safe~~  
485 ~~operation, proper maintenance, and inspection and correction of~~  
486 ~~code deficiencies of the elevator after a certificate of~~  
487 ~~operation has been issued by the department. The~~  
488 ~~responsibilities of the elevator owner may be assigned by lease.~~

489 ~~(6) The department is empowered to carry out all of the~~  
490 ~~provisions of this chapter relating to the inspection and~~  
491 ~~regulation of elevators and to enforce the provisions of the~~  
492 ~~Florida Building Code.~~

493 (3) The department may employ certified elevator  
494 inspectors to monitor and oversee any licenseholder or  
495 certificate of operation holder.

496 ~~(7) The Elevator Safety Technical Advisory Committee shall~~  
497 ~~annually review the provisions of the Safety Code for Elevators~~  
498 ~~and Escalators ASME A17.1, ASME A18.1, or other related model~~  
499 ~~codes and amendments thereto, concurrent with the update of the~~  
500 ~~Florida Building Code and recommend to the Florida Building~~  
501 ~~Commission revisions to the Florida Building Code to maintain~~  
502 ~~the protection of the public health, safety, and welfare.~~

503 (4) (a) The division may grant requests for variances for  
504 undue hardship which may be less restrictive than this section

505 or the rules adopted by the division under this section. The  
 506 division may not grant a request for a variance unless it finds  
 507 that:

508 1. The variance will not adversely affect the safety of  
 509 the public;

510 2. A reasonable alternative to the required construction  
 511 does not exist; and

512 3. The owner did not intentionally cause the hardship.

513 (b) The Elevator Safety Technical Advisory Council shall  
 514 review requests for variances and recommend agency action;  
 515 however, variance requests for a type of hardship which were  
 516 previously reviewed by the Elevator Safety Technical Advisory  
 517 Council and for which precedent exists shall be reviewed and  
 518 acted upon by the division. The division shall expedite  
 519 emergency requests for variances to ensure that such requests  
 520 are acted upon within 30 days after receiving the request.

521 (5) The division shall adopt rules to administer and  
 522 implement this section. The rules must include, but are not  
 523 limited to, the process for requests for variances and  
 524 associated fees. The fee may not exceed \$150 for routine  
 525 variance requests and \$300 for emergency variance requests.

526 Section 4. Section 399.03, Florida Statutes, is amended to  
 527 read:

528 399.03 Permits ~~Design, installation, and alteration of~~  
 529 ~~conveyances.--~~

530 ~~(1)~~ A conveyance covered by this chapter may not be  
 531 erected, constructed, installed, or altered within buildings or  
 532 structures until a permit has been obtained from the department.

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533 Permits must be applied for by a certified ~~registered~~ elevator  
534 company and may ~~only~~ be granted only upon receipt and approval  
535 of an application to be made on a form prescribed by the  
536 department, accompanied by proper fees and a sworn statement  
537 from a certified elevator professional acting as an agent of the  
538 certified ~~registered~~ elevator company that the plans meet all  
539 applicable ~~elevator safety and building~~ codes. Permits may be  
540 granted only to certified ~~registered~~ elevator companies in good  
541 standing. ~~When any material alteration is made, the alteration~~  
542 ~~must conform to applicable requirements of the Florida Building~~  
543 ~~Code and the provisions of this chapter.~~ A copy of the permit  
544 must be displayed and plans must be kept at the construction  
545 site at all times while the work is in progress and until a  
546 certificate of operation is issued. A permit is ~~shall~~ not be  
547 required for the construction or repair of elevators for the  
548 purpose of complying in seeking to attain compliance with  
549 regional emergency elevator access requirements. ~~Elevator owners~~  
550 ~~shall forward to the department, in an electronic format~~  
551 ~~approved by the department, an emergency access notification~~  
552 ~~that compliance measures are either not required or are being~~  
553 ~~implemented. The emergency access notification must also contain~~  
554 ~~specific compliance information, including the current~~  
555 ~~compliance status, specific measures required to attain~~  
556 ~~compliance, and certification by a state-certified inspector.~~  
557 ~~Fees may not be assessed for the filing of the emergency access~~  
558 ~~notification. The department shall maintain an emergency~~  
559 ~~elevator access registry that is available to the State Fire~~  
560 ~~Marshal of the Department of Financial Services for enforcement~~

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561 ~~purposes.~~

562 (2) The Department of Business and Professional Regulation  
563 shall adopt rules to administer this section.

564 (3)~~(2)~~ The department shall adopt rules establishing  
565 ~~provide by rule for~~ permit application requirements and permit  
566 fees.

567 (4)~~(3)~~ Permits may be revoked if ~~for the following~~  
568 ~~reasons:~~

569 (a) There are any false statements or misrepresentations  
570 as to the material facts in the application, plans, or  
571 specifications on which the permit was based.

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

574 (c) The work detailed under the permit is not being  
575 performed in accordance with the provisions of the application,  
576 plans, or specifications or with the code or conditions of the  
577 permit.

578 (d) The certified elevator company ~~construction~~  
579 ~~permitholder~~ to whom the permit was issued fails or refuses to  
580 comply with a stop-work order.

581 (e) The worksite or the work being performed is not  
582 supervised by a certified elevator professional.

583 (5)~~(4)~~ A permit expires if:

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

588 (b) The work is suspended or abandoned for a period of 60

589 days, or such shorter period of time as the department may  
590 specify at the time the permit is issued, after the work has  
591 been started. For good cause, the department may allow a  
592 discretionary extension for the foregoing period.

593 ~~(5) All new conveyance installations must be performed by~~  
594 ~~a registered elevator company. Before any vertical conveyance is~~  
595 ~~used, except those in a private residence, it must be inspected~~  
596 ~~by a certified elevator inspector not employed, associated, or~~  
597 ~~having a conflict of interest with the elevator construction~~  
598 ~~permitholder or elevator owner and certified as meeting the~~  
599 ~~safety provisions of the Florida Building Code, including the~~  
600 ~~performance of all required safety tests. The certified elevator~~  
601 ~~inspector shall provide the original copy of the inspection~~  
602 ~~report to the department within 5 days after the inspection. A~~  
603 ~~certificate of operation may not be issued until the~~  
604 ~~permitholder provides an affidavit signed by the construction~~  
605 ~~supervisor attesting that the supervisor directly supervised the~~  
606 ~~construction or installation of the elevator. Vertical~~  
607 ~~conveyances, including stairway chairlifts, and inclined or~~  
608 ~~vertical wheelchair lifts located in private residences are not~~  
609 ~~required to obtain a certificate of operation under this~~  
610 ~~chapter.~~

611 ~~(6) At the department's request, and to facilitate~~  
612 ~~oversight and monitoring, the permitholder shall notify the~~  
613 ~~department of the scheduled final inspection date and time for~~  
614 ~~purposes of acquiring a certificate of inspection.~~

615 ~~(7) Each elevator shall comply with the edition of the~~  
616 ~~Florida Building Code or Elevator Safety Code that was in effect~~

617 ~~at the time of receipt of application for the construction~~  
618 ~~permit for the elevator.~~

619 ~~(8) Each alteration to, or relocation of, an elevator~~  
620 ~~shall comply with the edition of the Florida Building Code or~~  
621 ~~Elevator Safety Code that was in effect at the time of receipt~~  
622 ~~of the application for the construction permit for the~~  
623 ~~alteration or relocation.~~

624 ~~(9) When any change is made in the classification of an~~  
625 ~~elevator, the elevator shall comply with all of the requirements~~  
626 ~~of the version of the Florida Building Code or Elevator Safety~~  
627 ~~Code that were in effect at the time of receipt of the~~  
628 ~~application for the construction permit for the change in~~  
629 ~~classification.~~

630 ~~(10) (a) The temporary use of an elevator during~~  
631 ~~installation or alteration is authorized for a period of 30 days~~  
632 ~~after the completion of a satisfactory temporary operation~~  
633 ~~inspection. An additional 30-day period of temporary use is~~  
634 ~~authorized from the date of completion of each additional~~  
635 ~~satisfactory temporary operation inspection. A satisfactory~~  
636 ~~temporary operation inspection must satisfy the following~~  
637 ~~criteria: the elevator is tested under contract load; the~~  
638 ~~hoistway is fully enclosed; the hoistway doors and interlocks~~  
639 ~~are installed; the car is completely enclosed, including door or~~  
640 ~~gate and top; all electrical safety devices are installed and~~  
641 ~~properly functioning; and terminal stopping equipment is in~~  
642 ~~place for a safe runby and proper clearance. When a car is~~  
643 ~~provided with a temporary enclosure, the operating means must be~~  
644 ~~by constant pressure push-button or lever-type switch. The car~~

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645 ~~may not exceed the minimum safe operating speed of the elevator,~~  
646 ~~and the governor tripping speed must be set in accordance with~~  
647 ~~the operating speed of the elevator.~~

648 ~~(b) Temporary use is authorized only when a satisfactory~~  
649 ~~temporary operation inspection report, completed within the last~~  
650 ~~30 days, by a certified elevator inspector, and a notice~~  
651 ~~prescribed by the department, bearing a statement that the~~  
652 ~~elevator has not been finally approved by a certified elevator~~  
653 ~~inspector, are conspicuously posted in the elevator.~~

654 Section 5. Section 399.032, Florida Statutes, is created  
655 to read:

656 399.032 Installation and alteration of conveyances;  
657 initial certificate of operation.--

658 (1) The department shall assign a license number to each  
659 conveyance, which must be painted on the frame, attached to the  
660 conveyance car in plain view, or attached to the driving  
661 mechanism. The license number must appear on all required  
662 certificates and permits.

663 (2) Each new installation shall comply with the edition of  
664 the Florida Building Code or Elevator Safety Code which was in  
665 effect during the time that the application for the permit to  
666 install was received.

667 (3) Each conveyance alteration shall comply with the  
668 edition of the Florida Building Code or Elevator Safety Code  
669 which was in effect during the time that the application for the  
670 permit to alter was received.

671 (4) If the classification of a conveyance is changed, the  
672 conveyance shall comply with the applicable requirements in the



673 edition of the Florida Building Code or Elevator Safety Code  
674 which were in effect during the time that the application for  
675 the construction permit for the change in classification was  
676 received.

677 (5) If any material alteration is made, the alteration  
678 must conform to the applicable requirements in the Florida  
679 Building Code and this chapter.

680 (6) The certified elevator company that is issued a  
681 construction or alteration permit shall install or alter the  
682 conveyance for which the permit was issued. All new conveyance  
683 installations or alterations on existing conveyances must be  
684 performed by a certified elevator professional employed by a  
685 certified elevator company. The certified elevator company may  
686 assign an elevator helper employed by the same certified  
687 elevator company to assist the certified elevator professional  
688 in his or her duties and for training purposes.

689 (7) Before any conveyance is used, except a conveyance in  
690 a private residence, it must be inspected by a certified  
691 elevator inspector who is not employed by or associated with, or  
692 does not have any conflict of interest with, the construction  
693 permitholder or owner, and it must be certified as meeting the  
694 safety provisions of the Florida Building Code, including the  
695 performance of all required safety tests.

696 (8) A certificate of operation may not be issued until the  
697 permitholder provides an affidavit signed by the construction  
698 supervisor attesting that the supervisor directly supervised the  
699 construction or installation of the conveyance.

700 (9) At the department's request, the permitholder shall

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701 notify the department of the scheduled final inspection date and  
702 time for the purpose of acquiring a certificate of operation.

703 (10) A certified elevator inspector shall perform initial  
704 or acceptance inspections for satisfactory compliance with the  
705 minimum code requirements before the conveyance is turned over  
706 to the owner for use by the general public. A satisfactory  
707 inspection is eligible for a certificate of operation to be  
708 issued by the department.

709 (11) The certified elevator company that is issued a  
710 construction or alteration permit shall correct violations and  
711 deficiencies and shall test new and altered equipment until the  
712 conveyance has been inspected and a certificate of operation has  
713 been issued by the department.

714 Section 6. Section 399.033, Florida Statutes, is created  
715 to read:

716 399.033 Temporary operation.--

717 (1) A conveyance may be temporarily used during  
718 installation or alteration for a period of 90 days after a  
719 satisfactory inspection is completed by a certified elevator  
720 inspector for such purpose as prescribed by rule by the  
721 division.

722 (2) A conveyance may be temporarily used for an additional  
723 30-day period following the date that each additional  
724 satisfactory inspection is completed by a certified elevator  
725 inspector for such purpose as prescribed by rule by the  
726 division.

727 (3) The temporary use of a conveyance may not exceed 180  
728 days unless a full-load test is performed in addition to the

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729 other inspection requirements relating to temporary operation.

730 (4) The inspector shall post a notice in a conspicuous  
731 place within a conveyance that is being temporarily used which  
732 states that the conveyance does not meet the requirements of  
733 part I or part II of ASME A17.1.

734 (5) The division shall adopt rules to administer this  
735 section.

736 Section 7. Section 399.035, Florida Statutes, is amended  
737 to read:

738 399.035 Elevator accessibility requirements for the  
739 physically handicapped.--

740 (1) Each elevator, the installation of which is begun  
741 after October 1, 1990, must be made accessible to physically  
742 handicapped persons with the following requirements:

743 (a) In a building having any elevators that do not provide  
744 access to every floor level, elevator hallway call buttons on  
745 all main levels of ingress and on any floor that is commonly  
746 served by more than one group of elevators must be marked with  
747 Arabic and braille symbols that indicate floor levels to which  
748 access is provided. The symbols must be placed directly above  
749 each call button.

750 (b) Each elevator car interior must have a support rail on  
751 at least one wall. All support rails must be smooth and have no  
752 sharp edges and must not be more than 1 1/2 inches thick or 2  
753 1/2 inches in diameter. Support rails must be continuous and a  
754 minimum length of 42 inches overall. The inside surface of  
755 support rails must be 1 1/2 inches clear of the car wall. The  
756 distance from the top of the support rail to the finished car

757 floor must be at least 31 inches and not more than 33 inches.  
 758 Padded or tufted material or decorative materials such as  
 759 wallpaper, vinyl, cloth, or the like may not be used on support  
 760 rails.

761 (c) Each elevator covered by this section must be  
 762 available to be used at any time to assist the physically  
 763 handicapped in an emergency evacuation. The requirements in ~~of~~  
 764 the latest revision of s. 2.27.3 ~~s. 211~~ of the American Society  
 765 of Mechanical Engineers' National Standards Institute standard  
 766 ASME ANSI A17.1 and the accessibility requirements in the  
 767 Florida Building Code must be complied with in order to meet the  
 768 requirements in ~~of~~ this paragraph.

769 (d) Interior surface of car enclosures must be of fire-  
 770 resistive material, and walls must be surfaced with nonabrasive  
 771 material. All materials exposed to the car interior must conform  
 772 to the standards of the Elevator Safety Code.

773 (e) A bench or seat may be installed on the rear wall of  
 774 the elevator car enclosure, if the bench or seat does not  
 775 protrude beyond the vertical plane of the elevator car enclosure  
 776 wall when folded into a recess provided for the bench or seat  
 777 and, when not in use, the bench or seat automatically folds into  
 778 the recess. The bench or seat must be capable of supporting a  
 779 live load of at least 250 pounds on any 12-inch by 12-inch area.  
 780 A padded, tufted, or other decorative material may not be used  
 781 to cover the bench or seat; nor may the bench or seat encroach  
 782 on the minimum clear-inside-car dimensions specified in this  
 783 section.

784 (2) (a) Any existing building that is more than three

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785 stories high or in which the vertical distance between the  
786 bottom terminal landing and the top terminal landing exceeds 25  
787 feet must be constructed to contain at least one passenger  
788 elevator that is operational and will accommodate an ambulance  
789 stretcher 76 inches long and 24 inches wide in the horizontal  
790 position.

791 (b) Any building that is issued a construction permit  
792 after June 30, 2009, and that is more than three stories high,  
793 or in which the vertical distance between the bottom terminal  
794 landing and the top terminal landing exceeds 25 feet, must be  
795 constructed to contain at least one passenger elevator that is  
796 operational and will accommodate an ambulance stretcher 84  
797 inches long and 24 inches wide in the horizontal position.

798 (3) This section applies only to elevators available for  
799 the transportation of the public. This section does not apply to  
800 elevators restricted by key or similar device to a limited  
801 number of persons in a building that has an elevator that  
802 otherwise meets the requirements of this section or to elevators  
803 used only for the transportation of freight. However, elevators  
804 that are used as freight and passenger elevators for the public  
805 and employees must comply with this section. This section does  
806 not apply to dumbwaiters or escalators.

807 (4) This section supersedes all other state laws and  
808 regulations and local ordinances and rules affecting the  
809 accessibility of passenger elevators to the physically  
810 handicapped, and the standards established by this section may  
811 not be modified by municipal or county ordinance.

812 Section 8. Section 399.049, Florida Statutes, is amended

813 to read:

814 399.049 Disciplinary action.--

815 (1) The department may suspend or revoke a certified  
 816 elevator inspector license, a certified elevator technician  
 817 license ~~an elevator inspector certification,~~ an elevator company  
 818 certification registration, ~~a an elevator~~ certificate of  
 819 competency, or a an elevator certificate of operation issued  
 820 under this chapter or impose an administrative penalty of up to  
 821 \$1,000 per violation upon any certified elevator inspector,  
 822 certified elevator technician, certified ~~registered~~ elevator  
 823 company, or certificate of operation holder ~~certificateholder~~  
 824 who commits any one or more of the following violations:

825 (a) Any false statement as to a material matter in an  
 826 application for registration, certification, or any permit,  
 827 license, or certificate issued under this chapter.

828 (b) Fraud, negligence, misconduct, misrepresentation, or  
 829 bribery in the practice of the profession.

830 (c) Failure by a certified elevator inspector to provide  
 831 the department and the certificate of operation holder with a  
 832 copy of the inspection report within 5 days after the date of  
 833 any inspection performed after the initial certificate of  
 834 operation is issued.

835 (d) Failure to obtain a permit to alter or a permit to  
 836 install a conveyance before commencing any work on the  
 837 installation of any equipment.

838 (e) Failure to obtain annual inspections in a timely  
 839 manner as required in s. 399.061.

840 (f) Failure by a certified elevator inspector or certified

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841 elevator company to perform a complete inspection on new  
842 installations or a complete routine inspection, including  
843 applicable Category 1, Category 3, or Category 5 Periodic  
844 Testing in accordance with the appropriate edition of ASME  
845 A17.1, which results in equipment turnover for public use and  
846 errors and omissions of code violations and tests.

847 (g) Failure by a certified elevator inspector or certified  
848 elevator company, upon the written request of the department, to  
849 provide a written response that explains the inspection  
850 procedures and applications of the elevator safety code used by  
851 the certified elevator inspector or certified elevator company  
852 for preparing an inspection report that has been submitted to  
853 the department and found by the department to contain errors and  
854 omissions of code violations and tests.

855 (h) Failure to provide agents of the department access to  
856 spaces containing conveyance equipment as defined in ASME A17.1,  
857 as adopted by the Florida Building Code, or hindering an agent  
858 of the department in the proper discharge of his or her duties.

859 (i) Failure to comply with an order requiring the  
860 correction of a violation and the reinspection of the elevator  
861 which is issued by the division under s. 399.061 within 90 days  
862 after the issuance of such order.

863 (j) Failure to comply with a final order issued by the  
864 division.

865 (k) Failure by an owner to renew a certificate of  
866 operation, to comply with a notice to discontinue use for  
867 operating without a valid certificate, or continuing to operate  
868 a conveyance after it has been sealed by the department.

869           (1) Failure by a certified elevator company to have a  
 870 certified elevator inspector perform an inspection pursuant to  
 871 s. 399.033(1) or (2) on a conveyance in temporary use and to  
 872 have a satisfactory inspection certificate conspicuously posted  
 873 in such conveyance.

874           (m) Failure by a certified elevator inspector to comply  
 875 with a request for information concerning a regulatory  
 876 monitoring inspection by a state elevator inspector or the  
 877 department.

878           (n)~~(d)~~ Violation of any provision in ~~of~~ this chapter.

879           (2) Any disciplinary action taken under this chapter must  
 880 comply with chapter 120 and any rules adopted thereunder.

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

883           399.061 Inspections; service maintenance contracts;  
 884 correction of deficiencies.--

885           (1) (a) All elevators or other conveyances subject to this  
 886 chapter must be annually inspected by a certified elevator  
 887 inspector or by a municipality or county under contract with the  
 888 division pursuant to s. 399.13. If the elevator is not an  
 889 escalator or a dumbwaiter, serves only two adjacent floors, and  
 890 is covered by a service maintenance contract, an inspection is  
 891 not required so long as the service contract remains in effect.

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

895 Cancellation of a service maintenance contract must be reported  
 896 to the division as prescribed by rule. A service maintenance



897 contract shall be made available upon request by the department.

898 (2) The division shall perform industry inspections to  
 899 regulate the quality of the annual inspections. The division  
 900 shall provide the owner with a copy of the inspection report  
 901 within 5 days after the date of such inspection.

902 (3)~~(2)~~ The division may employ state elevator inspectors  
 903 to inspect a conveyance ~~an elevator~~ whenever necessary to ensure  
 904 its safe operation. The division may also employ state elevator  
 905 inspectors to conduct any inspections required in ~~by~~ this  
 906 chapter and may charge a fee for each inspection in an amount  
 907 sufficient to cover the costs of that inspection, as provided by  
 908 rule, if ~~when~~ a private ~~certified~~ elevator inspector is not  
 909 available. Each state elevator inspector shall be properly  
 910 qualified as a certified elevator inspector; however, the  
 911 division may employ state elevator inspectors on a probationary  
 912 status who do not possess a qualified elevator inspector  
 913 national accreditation and are not yet licensed by the state. A  
 914 state elevator inspector hired on a probationary status must  
 915 meet the qualifications of national accreditation standards;  
 916 must possess elevator industry knowledge, education, and  
 917 training; and must be supervised by the division to acquire the  
 918 necessary skills and meet the requirements to become a certified  
 919 elevator inspector pursuant to this chapter. The probationary  
 920 period may not exceed 1 year and shall be rescinded if qualified  
 921 elevator inspector national accreditation and a certified  
 922 elevator inspector license are not obtained.

923 (4)~~(3)~~ Whenever the division determines from the results  
 924 of any inspection that, in the interest of the public safety, a

925 conveyance ~~an elevator~~ is in an unsafe condition, the division  
 926 may seal the conveyance ~~elevator~~ or order the discontinuance of  
 927 the use of the conveyance ~~elevator~~ until the division determines  
 928 by inspection that such conveyance ~~elevator~~ has been  
 929 satisfactorily repaired or replaced so that the conveyance  
 930 ~~elevator~~ may be operated in a safe manner.

931 (5) ~~(4)~~ When the division determines that a conveyance ~~an~~  
 932 ~~elevator~~ is in violation of this chapter, the rules adopted  
 933 thereunder, or the Florida Building Code, the division may issue  
 934 an order to the ~~elevator~~ owner requiring correction of the  
 935 violation and reinspection of the conveyance ~~elevator~~ evidencing  
 936 the correction.

937 Section 10. Section 399.07, Florida Statutes, is amended  
 938 to read:

939 399.07 Certificates of operation; fees.--

940 (1) The certificate of operation is valid for a period not  
 941 to exceed 12 months ~~2 years~~ and shall expire at the end of the  
 942 period unless revoked. The department may adopt rules  
 943 establishing a procedure for certificate renewal. Certificates  
 944 of operation may be renewed only for ~~vertical~~ conveyances having  
 945 a current satisfactory inspection. The owner of a conveyance ~~an~~  
 946 ~~elevator~~ operating under ~~with~~ an expired certificate of  
 947 operation is in violation of this chapter. Certificate of  
 948 operation renewal applications received by the department after  
 949 the date of expiration of the last current certificate must be  
 950 accompanied by a late fee of \$50 in addition to the renewal fee  
 951 and any other fees required by law. The department shall adopt  
 952 by rule a fee schedule for the renewal of certificates of

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953 operation. The fees must be deposited into the Hotel and  
954 Restaurant Trust Fund.

955 (2) The certificate of operation must be posted in a  
956 conspicuous location on the conveyance ~~elevator~~ and must be  
957 framed with a transparent cover.

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

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

965 (5) Except for temporary use authorized by this chapter,  
966 the operation or use of any newly installed, relocated, or  
967 altered conveyance ~~elevator~~ is prohibited until the conveyance  
968 ~~elevator~~ has passed the tests and inspections required by this  
969 chapter and a certificate of operation has been issued.

970 (6) The department may suspend any certificate of  
971 operation if it finds that the conveyance elevator is not in  
972 compliance with this chapter or the ~~of~~ rules adopted under this  
973 chapter. The suspension remains in effect until the department  
974 receives satisfactory results of an inspection performed by a  
975 certified elevator inspector indicating that the conveyance  
976 ~~elevator~~ has been brought into compliance.

977 (7) The department may revoke any certificate of operation  
978 if it finds that the inspection report resulting in the issuance  
979 contains omissions or errors.

980 Section 11. Section 399.10, Florida Statutes, is amended

981 to read:

982 399.10 Enforcement of law.--

983 (1) It shall be the duty of The department shall to  
 984 enforce the provisions in of this chapter and. ~~The department~~  
 985 shall adopt rules to administer and implement ~~have rulemaking~~  
 986 ~~authority to carry out the provisions of~~ this chapter.

987 (2) Any person who obstructs or hinders an agent of the  
 988 division who is in the proper discharge of his or her duties;  
 989 who fails, neglects, or refuses to obtain a license or pay the  
 990 license fee required by law; or who fails or refuses to perform  
 991 any duty imposed by law or rule commits a misdemeanor of the  
 992 second degree, punishable as provided in s. 776.082 or s.  
 993 775.083. Each day the conveyance operates in violation of law or  
 994 rule is a separate offense. The division may impose  
 995 administrative sanctions for violations of this section.

996 Section 12. Section 399.105, Florida Statutes, is amended  
 997 to read:

998 399.105 Administrative fines.--

999 (1) Any person who fails to comply with the reporting  
 1000 requirements in of this chapter or with the reasonable requests  
 1001 of the department to determine whether the provisions of a  
 1002 service maintenance contract and its implementation ensure safe  
 1003 conveyance elevator operation is subject to an administrative  
 1004 fine not greater than \$1,000 in addition to any other penalty  
 1005 provided by law.

1006 (2) Any person who commences the operation, installation,  
 1007 relocation, or alteration of any conveyance elevator for which a  
 1008 permit or certificate is required by this chapter without having

1009 | obtained from the department the permit or certificate is  
 1010 | subject to an administrative fine not greater than \$1,000 in  
 1011 | addition to any other penalty provided by law.

1012 | (3) An ~~elevator~~ owner who continues to operate a  
 1013 | conveyance ~~an elevator~~ after notice to discontinue its use or  
 1014 | after it has been sealed by the department is subject to an  
 1015 | administrative fine not greater than \$1,000 for each day the  
 1016 | conveyance ~~elevator~~ has been operated after the service of the  
 1017 | notice or sealing by the department, in addition to any other  
 1018 | penalty provided by law.

1019 | (4) An ~~elevator~~ owner who fails to comply with an order to  
 1020 | correct issued under s. 399.061(5) ~~s. 399.061(4)~~ within 90 ~~30~~  
 1021 | days after its issuance is subject, in addition to any other  
 1022 | penalty provided by law, to an administrative fine in an amount  
 1023 | not to exceed \$1,000.

1024 | (5) All administrative fines collected shall be deposited  
 1025 | into the Hotel and Restaurant Trust Fund.

1026 | Section 13. Section 399.1061, Florida Statutes, is amended  
 1027 | to read:

1028 | 399.1061 Elevator Safety Technical Advisory Council.--

1029 | (1) The Elevator Safety Technical Advisory Council is  
 1030 | created within the division and shall consist of eight members  
 1031 | appointed by the secretary of the department as follows ~~who meet~~  
 1032 | ~~the following criteria:~~

1033 | (a) One representative from a major elevator manufacturing  
 1034 | company or its authorized representative;

1035 | (b) One representative from an elevator servicing company;

1036 | (c) One representative from a building design profession;

- 1037         (d) One representative of the general public;
- 1038         (e) One representative of a local government in this
- 1039 state;
- 1040         (f) One representative of a building owner or manager;
- 1041         (g) One representative of labor involved in the
- 1042 installation, maintenance, and repair of conveyances ~~elevators~~;
- 1043 and
- 1044         (h) One representative who is a certified elevator
- 1045 inspector from a private inspection service.

1046

1047 The council shall provide technical assistance to the division

1048 in support of protecting the health, safety, and welfare of the

1049 public and shall give the division the benefit of the council

1050 members' knowledge and experience concerning the industries and

1051 individual businesses affected by the laws and rules

1052 administered by the division.

1053         (2) (a) The council members shall serve 4-year terms,

1054 except that, to provide for staggered terms, four of the initial

1055 appointees, as specified by rule, shall serve 2-year terms. All

1056 subsequent appointments shall be for 4-year terms. The council

1057 shall appoint one of the members to serve as chair and one of

1058 the members to serve as vice chair.

1059         (b) The council members shall serve without compensation,

1060 except that the members may be reimbursed for per diem and

1061 travel expenses as provided in s. 112.061.

1062         (3) The council may consult with engineering authorities

1063 and organizations concerned with standard safety codes for

1064 recommendations to the department regarding rules for the

1065 operation, maintenance, servicing, construction, alteration,  
 1066 installation, or inspection of ~~vertical~~ conveyances subject to  
 1067 this chapter.

1068 (4) The council shall meet at least once annually and upon  
 1069 the request of the division or a majority of the council  
 1070 members.

1071 (5) The Elevator Safety Technical Advisory Council shall  
 1072 develop and submit to the director of the Division of Hotels and  
 1073 Restaurants of the Department of Business and Professional  
 1074 Regulation proposed revisions to this chapter and the rules  
 1075 adopted hereunder to conform to the latest editions of ASME  
 1076 A17.1, ASME A17.2, ASME A17.3, and ASME A18.1.

1077 (6) The Elevator Safety Technical Advisory Council shall  
 1078 annually review the Safety Code for Elevators and Escalators  
 1079 ASME A17.1, ASME A17.2, ASME A17.3, and ASME A18.1, or other  
 1080 related model codes and amendments thereto, concurrent with the  
 1081 update of the Florida Building Code, and recommend to the  
 1082 Florida Building Commission revisions to the Florida Building  
 1083 Code to continue protecting the public health, safety, and  
 1084 welfare.

1085 Section 14. Section 399.11, Florida Statutes, is amended  
 1086 to read:

1087 399.11 Penalties.--

1088 (1) Any person who violates any of the provisions of this  
 1089 chapter or the rules of the department commits ~~is guilty of~~ a  
 1090 misdemeanor of the second degree, punishable as provided in s.  
 1091 775.082 or s. 775.083.

1092 (2) Any person who falsely represents himself or herself

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1093 as credentialed under this chapter commits ~~is guilty of~~ a  
1094 misdemeanor of the second degree, punishable as provided in s.  
1095 775.082 or s. 775.083.

1096 Section 15. Section 399.125, Florida Statutes, is amended  
1097 to read:

1098 399.125 Reporting of conveyance ~~elevator~~ accidents;  
1099 penalties.--Within 5 working days after any accident occurring  
1100 in or upon any conveyance elevator, which results in bodily  
1101 injury requiring medical attention or results in death to any  
1102 person and is presumptively caused by the malfunction of the  
1103 equipment or misuse by a passenger of the equipment, the  
1104 certificate of operation holder shall report the accident to the  
1105 division on a form prescribed by rule by the division. Failure  
1106 to timely file this report is a violation of this chapter and  
1107 will subject the certificate of operation holder to an  
1108 administrative fine, to be imposed by the division, in an amount  
1109 not to exceed \$1,000. A state elevator inspector shall conduct a  
1110 safety inspection of the conveyance within 72 hours after  
1111 receiving a report of an accident which complies with the  
1112 reporting requirements in this section. The division shall  
1113 submit to the Governor, the President of the Senate, the Speaker  
1114 of the House of Representatives, and the chairs of the  
1115 legislative appropriations committees an annual report that  
1116 analyzes elevator accidents during the preceding year, including  
1117 the number of accidents that have resulted in medical attention  
1118 or death, and, if available, whether the accidents were the  
1119 result of rider behavior or elevator malfunction. The report  
1120 shall be submitted by September 30 after the end of the fiscal



1121 year.  
 1122 Section 16. Section 399.13, Florida Statutes, is amended  
 1123 to read:  
 1124 399.13 Delegation of authority to municipalities or  
 1125 counties.--  
 1126 (1) The department may enter into contracts with  
 1127 municipalities or counties under which the municipalities or  
 1128 counties will issue construction, installation, and alteration  
 1129 permits and certificates of operation; will provide for  
 1130 inspection of conveyances elevators, including initial  
 1131 acceptance, alteration acceptance, routine, callback, accident,  
 1132 complaint, and temporary operation inspections; and will enforce  
 1133 the applicable provisions of the Florida Elevator Safety Code  
 1134 and the Florida Building Code, as required by this chapter. The  
 1135 municipality or county may issue temporary operating permits.  
 1136 The municipality or county may choose to require inspections be  
 1137 performed by its own inspectors or by private certified elevator  
 1138 inspectors. The municipality or county may assess a reasonable  
 1139 fee for inspections performed by its inspectors and for  
 1140 variances issued in accordance with bureau standards. Each  
 1141 agreement shall include a provision that the municipality or  
 1142 county shall maintain for inspection by the department copies of  
 1143 all applications for permits issued, a copy of each inspection  
 1144 report issued, and proper records showing the number of  
 1145 certificates of operation issued; shall include a provision that  
 1146 each required inspection be conducted by a certified elevator  
 1147 inspector; and may include other provisions as the department  
 1148 deems necessary. The municipality or county shall enforce the

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1149 Florida Building Code as it applies to this chapter and may  
 1150 impose fees and assess and collect fines as part of its  
 1151 enforcement activities. License fees that are imposed by the  
 1152 municipality or county shall be the same amount as the fees  
 1153 imposed by the division. A county or municipality may not issue  
 1154 or take disciplinary action against a certificate of competency,  
 1155 an elevator inspector certification, an elevator technician  
 1156 certification, or an elevator company certification  
 1157 ~~registration~~. However, the department may initiate disciplinary  
 1158 action against a ~~registration or~~ certification at the request of  
 1159 a county or municipality.

1160 (2) The department may inspect conveyances ~~make~~  
 1161 ~~inspections of elevators~~ in the municipality or county for the  
 1162 purpose of determining that the provisions of this chapter are  
 1163 being met and may cancel the contract with any municipality or  
 1164 county that the department finds has failed to comply with the  
 1165 contract or this chapter. ~~The amendments to chapter 399 by this~~  
 1166 ~~act shall apply only to the installation, relocation, or~~  
 1167 ~~alteration of an elevator for which a permit has been issued~~  
 1168 ~~after October 1, 1990.~~

1169 Section 17. Section 399.15, Florida Statutes, is amended  
 1170 to read:

1171 399.15 Regional emergency elevator access.--

1172 (1) In order to provide emergency access to elevators:

1173 (a) For each building in this state which is six or more  
 1174 stories in height, including, but not limited to, hotels and  
 1175 condominiums, on which a building permit is issued after  
 1176 September 30, 2006, all of the keys for elevators that allow

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1177 public access, including, but not limited to, service and  
1178 freight elevators, must be keyed so as to allow all elevators  
1179 within each of the seven state emergency response regions to  
1180 operate in fire emergency situations with one master elevator  
1181 key.

1182 (b) Any building in this state which is six or more  
1183 stories in height and has undergone "substantial improvement" as  
1184 defined in s. 161.54(12) must also comply with paragraph (a).

1185 (2) Each existing building in this state which is six or  
1186 more stories in height must comply with subsection (1) before  
1187 October 1, 2009.

1188 (3) In addition to ~~elevator~~ owners, owners' agents,  
1189 certified elevator companies, certified elevator ~~elevator~~  
1190 ~~contractors, state-certified~~ inspectors, and state agency  
1191 representatives, master elevator keys may be issued only to the  
1192 fire department and may not be issued to any other emergency  
1193 response agency. A person may not duplicate a master elevator  
1194 key for issuance to, or issue such a key to, anyone other than  
1195 authorized fire department personnel. Each master elevator key  
1196 must be marked "DO NOT DUPLICATE."

1197 (4) If it is technically, financially, or physically  
1198 impossible to bring a building into compliance with this  
1199 section, the local fire marshal may allow substitute emergency  
1200 measures that will provide reasonable emergency elevator access.  
1201 The local fire marshal's decision regarding substitute measures  
1202 may be appealed to the State Fire Marshal.

1203 (5) The Division of State Fire Marshal of the Department  
1204 of Financial Services shall enforce this section. Any person who

1205 fails to comply with ~~the requirements~~ of this section is subject  
 1206 to an administrative fine of not more than \$1,000, in addition  
 1207 to any other penalty provided by law. All administrative fines  
 1208 shall be deposited into the Insurance Regulatory Trust Fund.

1209 (6) Builders should make every effort to use new  
 1210 technology and developments in keying systems which make it  
 1211 possible to convert existing equipment so as to provide  
 1212 efficient regional emergency elevator access.

1213 (7) The Department of Financial Services shall adopt rules  
 1214 to implement this section, including rules to determine the  
 1215 master elevator key to be used within each of the emergency  
 1216 response regions.

1217 (8) The department shall maintain a regional emergency  
 1218 elevator access registry that is available to the State Fire  
 1219 Marshal of the Department of Financial Services for enforcement  
 1220 purposes.

1221 (9) This section does not affect the application of the  
 1222 uniform firesafety standards, the Life Safety Code, or the  
 1223 Elevator Safety Code.

1224 Section 18. Section 399.16, Florida Statutes, is created  
 1225 to read:

1226 399.16 Certificate of competency; certified elevator  
 1227 professional licensure and elevator company certification  
 1228 requirements; renewals; fees.--The department shall issue  
 1229 certificates of competency, certified elevator professional  
 1230 licenses, and elevator company certifications to any person who  
 1231 meets the minimum requirements for the type of certification or  
 1232 license for which the person is applying. Each certificate of

1233 competency, certified elevator professional license, and  
 1234 elevator company certification issued under this section is  
 1235 valid for and expires at the end of 1 year. The division shall  
 1236 adopt rules establishing procedures for applications and the  
 1237 renewal of certificates and licenses issued under this section.

1238 (1) CERTIFICATE OF COMPETENCY.--Each natural person who  
 1239 applies for a license as a certified elevator professional must  
 1240 obtain a certificate of competency from the division before he  
 1241 or she receives a certified elevator professional license. The  
 1242 division shall deem qualified and issue a certificate of  
 1243 competency to any natural person who pays a nonrefundable fee of  
 1244 \$50 and meets the following requirements:

1245 (a) A licensed mechanical engineer whose license is in  
 1246 good standing;

1247 (b) Proof of completion and successful passage of a  
 1248 written examination administered by the division or a provider  
 1249 approved by the division under standards adopted by rule; or

1250 (c) Licensure or certification by a state or local  
 1251 jurisdiction in the United States having standards substantially  
 1252 equal to or more stringent than those in this chapter; and

1253 1. Four years of nonsupervisory industry work experience  
 1254 physically performing the construction, installation,  
 1255 maintenance, and repair of conveyances covered by this chapter  
 1256 and verified by current or previously registered elevator  
 1257 companies, as required by the division; or

1258 2. Proof of completion of an apprenticeship program for  
 1259 elevator mechanics which has standards substantially equivalent  
 1260 to the standards of a national training program for elevator

1261 mechanics and registration with the Bureau of Apprenticeship and  
 1262 Training of the United States Department of Labor or a state  
 1263 apprenticeship authority.

1264 (2) CERTIFIED ELEVATOR PROFESSIONAL LICENSURE.--

1265 (a) Certified elevator technician.--Each natural person  
 1266 must apply for and obtain a license from the division before  
 1267 commencing the duties of a certified elevator technician. The  
 1268 division shall deem qualified and issue a certified elevator  
 1269 technician license to any person who:

1270 1. Holds a valid certificate of competency issued by the  
 1271 division;

1272 2. Provides proof of general liability insurance coverage  
 1273 in the minimum amounts set by rule by the division; and

1274 3. Pays a nonrefundable fee of \$50.

1275 (b) Certified elevator inspector.--Each natural person  
 1276 must apply for and obtain a license from the division before  
 1277 commencing the duties of a certified elevator inspector. The  
 1278 division shall deem qualified and issue a certified elevator  
 1279 inspector license to any person who:

1280 1. Holds a valid certificate of competency issued by the  
 1281 division;

1282 2. Provides proof of a properly acquired and valid  
 1283 qualified elevator inspector credential as prescribed by the  
 1284 American Society of Mechanical Engineers;

1285 3. Provides proof of general liability insurance coverage  
 1286 in the minimum amounts set by rule by the division; and

1287 4. Pays a nonrefundable fee of \$50.

1288 (3) CERTIFIED ELEVATOR COMPANIES.--An elevator company

1289 must register each year with and be certified by the division  
 1290 before constructing, installing, inspecting, maintaining, and  
 1291 repairing any conveyance under this chapter. The division shall  
 1292 deem qualified and issue an elevator company certification to  
 1293 any elevator company that:

1294 1. Provides proof of employment of a natural person who  
 1295 holds a certificate of competency issued by the division;

1296 2. Maintains and provides proof of general liability  
 1297 insurance coverage in the minimum amounts set by rule by the  
 1298 division; and

1299 3. Pays a nonrefundable fee of \$50.

1300 (4) REFUSAL TO ISSUE.--The division may refuse to issue a  
 1301 new or renewal certificate of competency, certified elevator  
 1302 professional license, or elevator company certification to any  
 1303 person who does not meet the requirements in this section or who  
 1304 has violated the provisions in this chapter or the rules adopted  
 1305 under this chapter.

1306 (5) RENEWAL.--Each license and certification is valid for  
 1307 and expires at the end of 1 year and may be renewed by the  
 1308 division when the division receives the materials required for  
 1309 qualification as provided in this section and a nonrefundable  
 1310 fee of \$50.

1311 (a) In addition to the materials required for  
 1312 qualification, each certificate of competency holder shall  
 1313 provide proof of:

1314 1. Completion of 8 hours of continuing education; and

1315 2. General liability insurance coverage in the minimum  
 1316 amounts set by the division.

1317 (b) Each certified elevator inspector shall provide proof  
 1318 that his or her national credential remains in good standing.

1319 (c) The department shall adopt rules establishing criteria  
 1320 for providing approval and procedures for reporting continuing  
 1321 education.

1322 (6) ELEVATOR HELPERS AND MECHANICS.--

1323 (a) Elevator personnel who have not yet obtained a license  
 1324 may train as or perform work as an elevator helper under the  
 1325 direct supervision of a certified elevator technician, who must  
 1326 also be licensed as a certificate of competency holder, to  
 1327 construct, install, maintain, and repair any conveyance. The  
 1328 elevator helper shall be a listed employee of the certified  
 1329 elevator company as prescribed by rule by the division.

1330 (b) Elevator personnel who have not yet obtained a license  
 1331 may train as or perform work as an elevator mechanic to  
 1332 construct, install, maintain, and repair elevators after  
 1333 successfully completing a formal 4-year apprenticeship training  
 1334 program and passing a mechanics exam to receive the designation  
 1335 of elevator mechanic.

1336 (7) FEES.--Fees collected under this section shall be  
 1337 deposited into the Hotel and Restaurant Trust Fund.

1338 Section 19. Section 399.17, Florida Statutes, is created  
 1339 to read:

1340 399.17 Citations for unlicensed activity; prohibitions;  
 1341 penalties.--

1342 (1) A person may not:

1343 (a) Falsely hold himself or herself or a business  
 1344 organization out as a licensee or certified elevator



1345 professional;  
 1346 (b) Present as his or her own the certificate, license, or  
 1347 certificate of operation of another;  
 1348 (c) Knowingly give false or forged evidence to the  
 1349 division, bureau, council, or a member thereof;  
 1350 (d) Use or attempt to use a license, certificate of  
 1351 competency, or certificate of operation which has expired, been  
 1352 suspended, or been revoked;  
 1353 (e) Operate a business organization engaged in the  
 1354 construction, installation, inspection, maintenance,  
 1355 replacement, repair, and service of conveyances after the  
 1356 termination, suspension, or revocation of its only certified  
 1357 elevator professional without designating another primary  
 1358 certified elevator professional;  
 1359 (f) Commence or perform work for which a permit or  
 1360 certification is required and not in effect; or  
 1361 (g) Operate under an expired, suspended, or revoked  
 1362 license or certificate of competency, registration, permit, or  
 1363 certificate of operation.  
 1364 (2) Any unlicensed person or business organization who  
 1365 violates any of the provisions in this section commits a  
 1366 misdemeanor, punishable as provided in s. 399.11.  
 1367 (3) The department may issue a stop-work order for all  
 1368 unlicensed work on a project upon a finding of probable cause  
 1369 that a construction requiring a permit, certificate, or license  
 1370 is being performed without a current and valid permit,  
 1371 certificate, or license. Stop-work orders may be enforced using  
 1372 any cease and desist order or other related action by the

1373 department.

1374 (4) A state elevator inspector may issue a citation for  
 1375 any violation of this section if he or she, based upon a  
 1376 personal investigation, has reasonable and probable grounds to  
 1377 believe that such a violation has occurred.

1378 (a) A citation issued by a state elevator inspector shall  
 1379 be in a form prescribed by rule by the division and shall  
 1380 contain:

1381 1. The time and date of issuance.

1382 2. The professional license number, conveyance license  
 1383 number, or conveyance serial number, if available.

1384 3. The time and date of the violation.

1385 4. The name and address of the person to whom the citation  
 1386 is issued.

1387 5. A brief description of the violation and the facts  
 1388 constituting reasonable and probable cause.

1389 6. The name of the state elevator inspector issuing the  
 1390 citation.

1391 7. The procedure for the person to follow in order to pay  
 1392 the civil penalty or to contest the citation.

1393 8. The applicable civil penalty if the person elects not  
 1394 to contest the citation.

1395 (b) The division may cite unlicensed owners, unlicensed  
 1396 elevator personnel, and uncertified elevator companies under  
 1397 this section and may establish procedures for implementing this  
 1398 section, including a schedule of penalties.

1399 (c) The act for which the citation is issued shall cease  
 1400 upon receipt of the citation and the person who receives the

1401 citation must correct the violation and respond to the civil  
 1402 penalty in the manner indicated on the citation or, within 10  
 1403 days after receiving the citation, exclusive of weekends and  
 1404 legal holidays, request an administrative hearing.

1405 1. The department or the Division of Administrative  
 1406 Hearings shall hold hearings conducted pursuant to chapter 120.

1407 2. The failure to file an appeal of the decision by the  
 1408 state elevator inspector within the 10-day time period set forth  
 1409 in this paragraph constitutes a waiver of the person's right to  
 1410 an administrative hearing. A waiver of the right to an  
 1411 administrative hearing shall be deemed an admission of the  
 1412 violation and penalties may be imposed accordingly.

1413 3. If the person issued the citation, or his or her  
 1414 designated representative, shows that the citation is invalid or  
 1415 that the violation has been corrected before an administrative  
 1416 hearing, the division may dismiss the citation unless the  
 1417 violation is irreparable or irreversible.

1418 4. Each day that a violation knowingly and willfully  
 1419 continues constitutes a separate offense.

1420 (d) If the administrative hearing results in a finding  
 1421 that a violation exists, the department or administrative law  
 1422 judge may order the violator to pay a civil penalty of not less  
 1423 than the amount set forth on the citation, but not more than  
 1424 \$1,000 per day for each violation. In determining the amount of  
 1425 the penalty, the department or administrative law judge, shall  
 1426 consider:

1427 1. The gravity of the violation.

1428 2. Any actions taken by the violator to correct the

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1429 violation.

1430 3. Any previous violations committed by the violator.

1431 (e) If the violator has not contested the citation or paid  
1432 the civil penalty within the timeframe provided in the citation,  
1433 or if a violation has not been corrected within the timeframe  
1434 set during the administrative proceedings, the division shall  
1435 enter an order requiring the violator to pay the civil penalty  
1436 provided in the citation. A hearing is not required for the  
1437 issuance of such order.

1438 (f) An aggrieved party may appeal a final order issued by  
1439 the department in accordance with s. 120.68. All notices and  
1440 administrative proceedings required in this chapter shall be  
1441 provided to the alleged violator by certified mail, return  
1442 receipt requested, or by hand delivery by the state elevator  
1443 inspector.

1444 (g) Any person who willfully refuses to sign and accept a  
1445 citation issued by a state elevator inspector commits a  
1446 misdemeanor of the second degree, punishable as provided in s.  
1447 775.082 or s. 775.083.

1448 (h) This section does not prohibit a county or  
1449 municipality from enforcing its codes or ordinances by other  
1450 means.

1451 (i) This section does not authorize local jurisdictions to  
1452 exercise disciplinary authority or procedures established in  
1453 this section against an individual.

1454 (5) The citation must be issued to the owner of the  
1455 unlicensed conveyance or to a natural person who violates the  
1456 provisions in subsection (1).

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1457       (6) The remedies set forth in this section are not  
1458 exclusive and may be imposed in addition to the remedies set  
1459 forth in this chapter.

1460       Section 20. Section 399.18, Florida Statutes, is created  
1461 to read:

1462       399.18 Certified elevator professionals; duties and  
1463 requirements.--Certified elevator professionals shall comply  
1464 with the duties and requirements in this section in addition to  
1465 the duties and requirements in this chapter.

1466       (1) Certified elevator professionals shall directly  
1467 supervise elevator helpers performing the procedures to which  
1468 the elevator helper is assigned.

1469       (2) Certified elevator inspectors shall:

1470       (a) Inspect conveyances or witness periodic tests in  
1471 accordance with this chapter and the rules adopted hereunder,  
1472 the Florida Building Code, the latest edition of ASME A17.2  
1473 Guide for Inspection of Elevators, Escalators and Moving Walks,  
1474 and ASME QEI-1 standards, including the national code of  
1475 conduct.

1476       (b) Submit to the department, in a format approved by the  
1477 division, the original inspection report, signed by the  
1478 inspector and the owner.

1479       (c) Provide the certificate of operation holder with a  
1480 copy of the elevator inspection report within 5 days after the  
1481 date of inspection. A copy of the inspection report shall be  
1482 retained for quality assurance review or other inspection-  
1483 related requests as provided by rule.

1484       (3) Private elevator inspectors shall:

1485 (a) Respond to the department upon any finding of  
 1486 omissions or errors on the elevator inspection report and shall  
 1487 submit a corrected inspection report in a timely manner as  
 1488 prescribed by rule.

1489 (b) Perform initial or acceptance inspections for  
 1490 satisfactory compliance with minimum code requirements before  
 1491 the conveyance is turned over to the owner for use by the  
 1492 general public.

1493 (4) State elevator inspectors shall:

1494 (a) Monitor and oversee any licenseholder or certificate  
 1495 of operation holder by conducting periodic inspections and  
 1496 activities.

1497 (b) Periodically provide reviews for quality assurance by  
 1498 conducting a physical examination or related compliance  
 1499 activities for conveyance inspections and tests performed by a  
 1500 private elevator inspector, on behalf of the division in  
 1501 accordance with this chapter.

1502 (c) Provide oversight or the regulatory supervision of  
 1503 application and permit issuance by the department for elevator  
 1504 construction, installation, inspection, maintenance, repairs,  
 1505 and service, and ensure code compliance by elevator companies  
 1506 and employed personnel working on conveyances to ensure the  
 1507 health, safety, and welfare of the riding public in accordance  
 1508 with the Florida Building Code and this chapter.

1509 (5) Certified elevator inspectors employed by a  
 1510 municipality or county under contract with the division may not  
 1511 construct, install, maintain, repair, or perform inspections  
 1512 other than in the performance of official duties for the

1513 municipality or county on any elevator or conveyance located  
 1514 within the employing municipality or county.

1515 (6) Private elevator inspectors may conduct annual safety  
 1516 inspections and witness periodic tests on behalf of owners.

1517 (7) Certified elevator inspectors may not have a conflict  
 1518 of interest with the owner, or with the certified elevator  
 1519 company that constructed, installed, maintained, or repaired the  
 1520 conveyance. The certified elevator inspector shall maintain  
 1521 professional conduct in accordance with rules adopted by the  
 1522 division, the Florida Building Code, and the latest edition of  
 1523 the ASME QEI-1 standards.

1524 Section 21. Section 399.19, Florida Statutes, is created  
 1525 to read:

1526 399.19 Owners; duties and requirements.--Owners shall  
 1527 comply with the duties and requirements in this section in  
 1528 addition to the duties and requirements in this chapter.

1529 (1) The owner shall assist the department or its agents by  
 1530 allowing access to the conveyance, machinery rooms and spaces,  
 1531 and maintenance records at any reasonable time for the purpose  
 1532 of enforcing this chapter.

1533 (2) The owner shall provide safe operation, proper  
 1534 maintenance, and inspection and correction of code deficiencies  
 1535 of the conveyance after a certificate of operation has been  
 1536 issued by the department. The owner shall annually renew the  
 1537 certificate of operation before the current certificate of  
 1538 operation expires.

1539 (3) The owner shall forward to the department, in an  
 1540 electronic format approved by the department, a regional

1541 emergency access notification that compliance measures are not  
 1542 required or are being implemented. The regional emergency access  
 1543 notification must also contain specific compliance information,  
 1544 including the current compliance status, specific measures  
 1545 required to attain compliance, and certification by a certified  
 1546 elevator inspector. Fees may not be assessed for the filing of  
 1547 the regional emergency access notification.

1548 (4) The owner shall provide to the division the owner's  
 1549 name, address, city, state, and contact information for each  
 1550 licensed conveyance.

1551 (5) The owner shall sign the inspection report after the  
 1552 inspection by a certified elevator inspector is completed.

1553 Section 22. Section 399.20, Florida Statutes, is created  
 1554 to read:

1555 399.20 Enforcement; municipal and county officers to  
 1556 assist.--Any state or county attorney, sheriff, police officer,  
 1557 and any other appropriate municipal and county official shall,  
 1558 upon request, assist the division or any of its agents in the  
 1559 enforcement of this chapter.

1560 Section 23. Section 553.509, Florida Statutes, is amended  
 1561 to read:

1562 553.509 Vertical accessibility.--

1563 ~~(1) Sections Nothing in ss. 553.501-553.513 or the~~  
 1564 guidelines do not shall be construed to relieve the owner of any  
 1565 building, structure, or facility governed by those sections from  
 1566 the duty to provide vertical accessibility to all levels above  
 1567 and below the occupiable grade level, regardless of whether the  
 1568 guidelines require an elevator to be installed in such building,



1569 structure, or facility, except for:

1570 (1)~~(a)~~ Elevator pits, elevator penthouses, mechanical  
 1571 rooms, piping or equipment catwalks, and automobile lubrication  
 1572 and maintenance pits and platforms;

1573 (2)~~(b)~~ Unoccupiable spaces, such as rooms, enclosed  
 1574 spaces, and storage spaces that are not designed for human  
 1575 occupancy, for public accommodations, or for work areas; and

1576 (3)~~(c)~~ Occupiable spaces and rooms that are not open to  
 1577 the public and that house no more than five persons, including,  
 1578 but not limited to, equipment control rooms and projection  
 1579 booths.

1580 ~~(2)(a) Any person, firm, or corporation that owns,  
 1581 manages, or operates a residential multifamily dwelling,  
 1582 including a condominium, that is at least 75 feet high and  
 1583 contains a public elevator, as described in s. 399.035(2) and  
 1584 (3) and rules adopted by the Florida Building Commission, shall  
 1585 have at least one public elevator that is capable of operating  
 1586 on an alternate power source for emergency purposes. Alternate  
 1587 power shall be available for the purpose of allowing all  
 1588 residents access for a specified number of hours each day over a  
 1589 5-day period following a natural disaster, manmade disaster,  
 1590 emergency, or other civil disturbance that disrupts the normal  
 1591 supply of electricity. The alternate power source that controls  
 1592 elevator operations must also be capable of powering any  
 1593 connected fire alarm system in the building.~~

1594 ~~(b) At a minimum, the elevator must be appropriately  
 1595 prewired and prepared to accept an alternate power source and  
 1596 must have a connection on the line side of the main disconnect,~~

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1597 ~~pursuant to National Electric Code Handbook, Article 700. In~~  
1598 ~~addition to the required power source for the elevator and~~  
1599 ~~connected fire alarm system in the building, the alternate power~~  
1600 ~~supply must be sufficient to provide emergency lighting to the~~  
1601 ~~interior lobbies, hallways, and other portions of the building~~  
1602 ~~used by the public. Residential multifamily dwellings must have~~  
1603 ~~an available generator and fuel source on the property or have~~  
1604 ~~proof of a current contract posted in the elevator machine room~~  
1605 ~~or other place conspicuous to the elevator inspector affirming a~~  
1606 ~~current guaranteed service contract for such equipment and fuel~~  
1607 ~~source to operate the elevator on an on-call basis within 24~~  
1608 ~~hours after a request. By December 31, 2006, any person, firm or~~  
1609 ~~corporation that owns, manages, or operates a residential~~  
1610 ~~multifamily dwelling as defined in paragraph (a) must provide to~~  
1611 ~~the local building inspection agency verification of engineering~~  
1612 ~~plans for residential multifamily dwellings that provide for the~~  
1613 ~~capability to generate power by alternate means. Compliance with~~  
1614 ~~installation requirements and operational capability~~  
1615 ~~requirements must be verified by local building inspectors and~~  
1616 ~~reported to the county emergency management agency by December~~  
1617 ~~31, 2007.~~

1618 ~~(c) Each newly constructed residential multifamily~~  
1619 ~~dwelling, including a condominium, that is at least 75 feet high~~  
1620 ~~and contains a public elevator, as described in s. 399.035(2)~~  
1621 ~~and (3) and rules adopted by the Florida Building Commission,~~  
1622 ~~must have at least one public elevator that is capable of~~  
1623 ~~operating on an alternate power source for the purpose of~~  
1624 ~~allowing all residents access for a specified number of hours~~

1625 ~~each day over a 5-day period following a natural disaster,~~  
1626 ~~manmade disaster, emergency, or other civil disturbance that~~  
1627 ~~disrupts the normal supply of electricity. The alternate power~~  
1628 ~~source that controls elevator operations must be capable of~~  
1629 ~~powering any connected fire alarm system in the building. In~~  
1630 ~~addition to the required power source for the elevator and~~  
1631 ~~connected fire alarm system, the alternate power supply must be~~  
1632 ~~sufficient to provide emergency lighting to the interior~~  
1633 ~~lobbies, hallways, and other portions of the building used by~~  
1634 ~~the public. Engineering plans and verification of operational~~  
1635 ~~capability must be provided by the local building inspector to~~  
1636 ~~the county emergency management agency before occupancy of the~~  
1637 ~~newly constructed building.~~

1638 ~~(d) Each person, firm, or corporation that is required to~~  
1639 ~~maintain an alternate power source under this subsection shall~~  
1640 ~~maintain a written emergency operations plan that details the~~  
1641 ~~sequence of operations before, during, and after a natural or~~  
1642 ~~manmade disaster or other emergency situation. The plan must~~  
1643 ~~include, at a minimum, a lifesafety plan for evacuation,~~  
1644 ~~maintenance of the electrical and lighting supply, and~~  
1645 ~~provisions for the health, safety, and welfare of the residents.~~  
1646 ~~In addition, the owner, manager, or operator of the residential~~  
1647 ~~multifamily dwelling must keep written records of any contracts~~  
1648 ~~for alternative power generation equipment. Also, quarterly~~  
1649 ~~inspection records of lifesafety equipment and alternate power~~  
1650 ~~generation equipment must be posted in the elevator machine room~~  
1651 ~~or other place conspicuous to the elevator inspector, which~~  
1652 ~~confirm that such equipment is properly maintained and in good~~

1653 ~~working condition, and copies of contracts for alternate power~~  
1654 ~~generation equipment shall be maintained on site for~~  
1655 ~~verification. The written emergency operations plan and~~  
1656 ~~inspection records shall also be open for periodic inspection by~~  
1657 ~~local and state government agencies as deemed necessary. The~~  
1658 ~~owner or operator must keep a generator key in a lockbox posted~~  
1659 ~~at or near any installed generator unit.~~

1660 ~~(c) Multistory affordable residential dwellings for~~  
1661 ~~persons age 62 and older that are financed or insured by the~~  
1662 ~~United States Department of Housing and Urban Development must~~  
1663 ~~make every effort to obtain grant funding from the Federal~~  
1664 ~~Government or the Florida Housing Finance Corporation to comply~~  
1665 ~~with this subsection. If an owner of such a residential dwelling~~  
1666 ~~cannot comply with the requirements of this subsection, the~~  
1667 ~~owner must develop a plan with the local emergency management~~  
1668 ~~agency to ensure that residents are evacuated to a place of~~  
1669 ~~safety in the event of a power outage resulting from a natural~~  
1670 ~~or manmade disaster or other emergency situation that disrupts~~  
1671 ~~the normal supply of electricity for an extended period of time.~~  
1672 ~~A place of safety may include, but is not limited to, relocation~~  
1673 ~~to an alternative site within the building or evacuation to a~~  
1674 ~~local shelter.~~

1675 ~~(f) As a part of the annual elevator inspection required~~  
1676 ~~under s. 399.061, certified elevator inspectors shall confirm~~  
1677 ~~that all installed generators required by this chapter are in~~  
1678 ~~working order, have current inspection records posted in the~~  
1679 ~~elevator machine room or other place conspicuous to the elevator~~  
1680 ~~inspector, and that the required generator key is present in the~~

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1681 ~~lockbox posted at or near the installed generator. If a building~~  
1682 ~~does not have an installed generator, the inspector shall~~  
1683 ~~confirm that the appropriate prewiring and switching~~  
1684 ~~capabilities are present and that a statement is posted in the~~  
1685 ~~elevator machine room or other place conspicuous to the elevator~~  
1686 ~~inspector affirming a current guaranteed contract exists for~~  
1687 ~~contingent services for alternate power is current for the~~  
1688 ~~operating period.~~

1689  
1690 However, buildings, structures, and facilities must, at ~~as~~ a  
1691 minimum, comply with the requirements in the Americans with  
1692 Disabilities Act Accessibility Guidelines.

1693 Section 24. This act shall take effect July 1, 2009.