

By Senator Jones

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

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

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

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88 provisions relating to the authority of municipalities
89 or counties to issue construction, installation, and
90 alteration permits and certificates of operation and
91 to inspect conveyances; authorizing municipalities and
92 counties to issue temporary operating permits;
93 amending s. 399.15, F.S.; requiring that the
94 department maintain a regional emergency elevator
95 access registry; creating s. 399.16, F.S.; providing
96 requirements for the issuance of certificates of
97 competency, certified elevator professional licensure,
98 and elevator company certification; providing
99 requirements for the renewal of such certificates and
100 fees; requiring that the department adopt rules;
101 requiring that the fees collected from certifications,
102 licenses, and renewals be deposited into the Hotel and
103 Restaurant Trust Fund; creating s. 399.17, F.S.;
104 providing penalties for unlicensed activity;
105 authorizing the department to issue a stop-work order
106 for unlicensed work upon a finding of probable cause;
107 authorizing a state elevator inspector to issue a
108 citation for unlicensed activity; requiring that the
109 citation contain certain information; authorizing the
110 division to issue citations and establish procedures
111 and penalties; providing for administrative hearings;
112 creating s. 399.18, F.S.; providing duties and
113 requirements for certified elevator professionals;
114 creating s. 399.19, F.S.; providing duties and
115 requirements for owners of conveyances; creating s.
116 399.20, F.S.; requiring that certain municipal and

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117 county officers assist the division or its agents in
 118 enforcing ch. 399, F.S.; amending s. 553.509, F.S.;
 119 deleting provisions related to vertical accessibility
 120 to conform to changes made by the act; providing an
 121 effective date.

122
 123 Be It Enacted by the Legislature of the State of Florida:

124
 125 Section 1. Section 399.01, Florida Statutes, is amended to
 126 read:

127 399.01 Definitions.—As used in this chapter, the term:

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

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

135 (3)~~(2)~~ "Certificate of operation" means a document issued
 136 by the department which indicates that the conveyance has had
 137 the required safety inspection and tests, that the conveyance is
 138 licensed to operate, and that the appropriate fees have been
 139 paid as provided in this chapter.

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

144 (5) "Certified elevator inspector" means a natural person
 145 who is licensed by the division and qualified to construct,

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146 install, inspect, maintain, or repair any conveyance.

147 (6) "Certified elevator professional" means a natural
148 person who is qualified to perform the duties of a certified
149 elevator technician or certified elevator inspector and
150 maintains a certificate of competency or a license issued by the
151 department.

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

155 (8)~~(3)~~ "Conveyance" means one of the following mechanical
156 devices:

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

161 (b) An escalator, which is a power-driven, inclined
162 continuous stairway that is used for raising or lowering
163 passengers.

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

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

171 (e) An inclined stairway chairlift that is used to
172 transport physically handicapped persons over architectural
173 barriers.

174 (f) An inclined or vertical wheelchair lift that is used to

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175 transport wheelchair-bound handicapped persons over
176 architectural barriers. ~~an elevator, dumbwaiter, escalator,~~
177 ~~moving sidewalk, platform lift, or stairway chairlift.~~

178 (9)~~(4)~~ "Department" means the Department of Business and
179 Professional Regulation.

180 (10) "Direct supervision" means that a certified elevator
181 professional is within the physical proximity of and personally
182 supervising an elevator helper, enabling timely observation and
183 evaluation of the work being performed, and ensuring that the
184 work is completed in accordance with the Florida Building Code,
185 this chapter, and the rules adopted by the division.

186 (11)~~(5)~~ "Division" means the Division of Hotels and
187 Restaurants of the Department of Business and Professional
188 Regulation.

189 ~~(6)~~ "Elevator" means ~~one of the following mechanical~~
190 ~~devices:~~

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

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

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

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

203 ~~(e) An inclined stairway chairlift, which is a device used~~

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204 ~~to transport physically handicapped persons over architectural~~
205 ~~barriers.~~

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

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

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

215 (13)~~(8)~~ "Elevator Safety Technical Advisory Council
216 Committee" means the council committee appointed by the
217 Secretary of the Department of Business and Professional
218 Regulation.

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

223 (15) "Inspection" means the physical examination of a
224 conveyance for compliance with the Elevator Safety Code, as
225 specified by state law, which is performed by a certified
226 elevator inspector in accordance with this chapter and the rules
227 adopted by the division.

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

231 (17) "New installation" means a conveyance that is under
232 construction until a final acceptance inspection is

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233 satisfactorily completed and the conveyance is turned over to
234 the owner for public use.

235 (18) "Owner" means the person who is legally and
236 financially responsible for the installation, alteration,
237 repair, replacement, or maintenance of a certificate of
238 operation and the safe operation of the conveyance.

239 (19) "Private elevator inspector" means a certified
240 elevator inspector who is self-employed, employed by a certified
241 elevator company, or employed by a private business entity.

242 (20)~~(9)~~ "Private residence" means a separate dwelling or a
243 separate apartment in a multiple dwelling which is occupied by
244 members of a single-family unit.

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

248 (22)~~(10)~~ "Service maintenance contract" means a contract
249 that provides for routine examination, lubrication, cleaning,
250 adjustment, replacement of parts, and performance of applicable
251 code-required safety tests such as on a traction elevator and
252 annual relief pressure test on a hydraulic elevator and any
253 other service, repair, and maintenance sufficient to ensure the
254 safe operation of the elevator. ~~A service maintenance contract~~
255 ~~shall be made available upon request of the department for~~
256 ~~purposes of oversight and monitoring.~~

257 (23) "State elevator inspector" means a certified elevator
258 inspector who is employed by the department or other
259 governmental entity for the purpose of conducting conveyance
260 inspections and compliance activities on behalf of the
261 department.

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

277 ~~(24)~~~~(12)~~ "Temporary operation inspection" means an
278 inspection performed by a certified elevator inspector, the
279 successful passage of which permits the temporary use of a
280 noncompliant ~~vertical~~ conveyance for construction purposes as
281 provided by rule.

282 ~~(13) "Registered elevator company" means an entity~~
283 ~~registered with and authorized by the division employing persons~~
284 ~~to construct, install, inspect, maintain, or repair any vertical~~
285 ~~conveyance. Each registered elevator company must annually~~
286 ~~register with the division and maintain general liability~~
287 ~~insurance coverage in the minimum amounts set by rule.~~

288 ~~(14) "Certified elevator inspector" is a natural person~~
289 ~~registered with and authorized by the division to construct,~~
290 ~~install, inspect, maintain, or repair any vertical conveyance,~~

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291 ~~after having properly acquired the qualified elevator inspector~~
292 ~~credential as prescribed by the American Society of Mechanical~~
293 ~~Engineers. Each certified elevator inspector must annually~~
294 ~~register with the division and provide proof of completion of 8~~
295 ~~hours of continuing education, proof that the qualified elevator~~
296 ~~inspector credential remains in good standing, and proof of~~
297 ~~general liability insurance coverage in the minimum amounts set~~
298 ~~by the division.~~

299 ~~(15) "Certified elevator technician" means a natural person~~
300 ~~authorized by the division to construct, install, maintain, or~~
301 ~~repair any vertical conveyance, after having been issued an~~
302 ~~elevator certificate of competency by the division. Each~~
303 ~~certified elevator technician must annually register with the~~
304 ~~division and be covered by general liability insurance coverage~~
305 ~~in the minimum amounts set by the division.~~

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

310 ~~(17) "Elevator certificate of competency" means a~~
311 ~~credential issued by the division to any individual natural~~
312 ~~person successfully completing an examination as prescribed by~~
313 ~~rule and paying a nonrefundable fee of \$50. Such credential~~
314 ~~shall be valid for and expire at the end of 1 year, and may be~~
315 ~~renewed by the division when the division receives proof of the~~
316 ~~elevator certificate of competency holder's completion of 8~~
317 ~~hours of continuing education from a provider approved by the~~
318 ~~department and a nonrefundable renewal fee of \$50. The~~
319 ~~department shall adopt by rule criteria for providing approval~~

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320 ~~and procedures for continuing education reporting.~~

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

323 ~~1. Four years' work experience in the construction,~~
324 ~~maintenance, service, and repair of conveyances covered by this~~
325 ~~chapter. This experience shall be verified by current or~~
326 ~~previously registered elevator companies as required by the~~
327 ~~division.~~

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

329 ~~a. Proof of completion and successful passage of a written~~
330 ~~examination administered by the division or a provider approved~~
331 ~~by the division under standards it adopted by rule.~~

332 ~~b. Proof of completion of an apprenticeship program for~~
333 ~~elevator mechanics which has standards substantially equivalent~~
334 ~~to those found in a national training program for elevator~~
335 ~~mechanics and is registered with the Bureau of Apprenticeship~~
336 ~~and Training of the United States Department of Labor or a state~~
337 ~~apprenticeship authority.~~

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

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

343

344 All other building transportation terms are defined in the
345 current Florida Building Code.

346 Section 2. Section 399.015, Florida Statutes, is created to
347 read:

348 399.015 Application.-

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349 (1) This chapter applies to the design, construction,
350 operation, inspection, testing, maintenance, alteration, and
351 repair of the following equipment and its associated parts and
352 hoistways:

353 (a) Hoisting and lowering mechanisms equipped with a car or
354 platform that moves between two or more landings, including, but
355 not limited to, elevators, platform lifts, and stairway
356 chairlifts.

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

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

365 (2) This chapter does not apply to:

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

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

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

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

373 (e) Conveyors and related equipment within the scope of
374 ASME B20.1.

375 (f) Cranes, derricks, hoists, hooks, jacks, and slings
376 within the scope of ASME B30.

377 (g) Industrial trucks within the scope of ASME B56.

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- 378 (h) Portable equipment, except for portable escalators,
379 which are covered by ASME A17.1.
- 380 (i) Tiered or piling machines that are used to move
381 materials to and from storage and that are located and operating
382 entirely within one story.
- 383 (j) Equipment for feeding or positioning materials at
384 machine tools and printing presses or other similar machinery.
- 385 (k) Skip or furnace hoists.
- 386 (l) Wharf ramps.
- 387 (m) Railroad car lifts or dumpers.
- 388 (n) Line jacks, false cars, shafters, moving platforms, and
389 similar equipment used for installing an elevator.
- 390 (o) Automated people movers at airports.
- 391 (p) Elevators in television and radio towers.
- 392 (q) Hand-operated dumbwaiters.
- 393 (r) Sewage pump station lifts.
- 394 (s) Automobile parking lifts.
- 395 (t) Equipment covered in s. 1.1.2 of ASME A17.1, as adopted
396 by the Florida Building Code.
- 397 (u) Elevators, inclined stairway chairlifts, and inclined
398 or vertical wheelchair lifts located in private residences.
- 399 (v) Platform elevators installed in a ship or offshore
400 drilling rig and used for the purpose of loading and unloading
401 cargo, equipment, and personnel.
- 402 (w) Dock levelers or freight platform lifts having a travel
403 distance of 500 millimeters, or 20 inches, or less.
- 404 (x) Amusement devices, stage and orchestra lifts, and lift
405 bridges and other lifting devices regulated by another agency.
- 406 Section 3. Section 399.02, Florida Statutes, is amended to

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407 read:

408 399.02 General requirements.—

409 (1) The department shall:410 (a) Monitor and oversee conveyance inspections for quality
411 assurance;412 (b) Regulate conveyances, certified elevator professionals,
413 and certified elevator companies; and414 (c) Enforce the Florida Building Code.415 (2) In order to perform its duties and responsibilities
416 under this section, the division may enter and have reasonable
417 access to all buildings and rooms or spaces in which an existing
418 or newly installed conveyance and equipment are located.419 ~~(1) The Elevator Safety Technical Advisory Committee shall~~
420 ~~develop and submit to the Director of Hotels and Restaurants~~
421 ~~proposed revisions to the elevator safety code so that it is the~~
422 ~~same as or similar to the latest editions of ASME A17.1, ASME~~
423 ~~A17.3, and ASME A18.1.~~424 ~~(2) This chapter covers the design, construction,~~
425 ~~operation, inspection, testing, maintenance, alteration, and~~
426 ~~repair of the following equipment and its associated parts and~~
427 ~~hoistways:~~428 ~~(a) Hoisting and lowering mechanisms equipped with a car or~~
429 ~~platform which move between two or more landings. This equipment~~
430 ~~includes, but is not limited to, elevators, platform lifts, and~~
431 ~~stairway chairlifts.~~432 ~~(b) Power driven stairways and walkways for carrying~~
433 ~~persons between landings. This equipment includes, but is not~~
434 ~~limited to, escalators and moving walks.~~435 ~~(c) Hoisting and lowering mechanisms equipped with a car~~

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436 ~~which serves two or more landings and is restricted to the~~
437 ~~carrying of material by its limited size or limited access to~~
438 ~~the car. This equipment includes, but is not limited to,~~
439 ~~dumbwaiters, material lifts, and dumbwaiters with automatic-~~
440 ~~transfer devices.~~

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

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

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

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

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

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

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

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

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

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

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

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- 465 ~~(k) Skip or furnace hoists.~~
- 466 ~~(l) Wharf ramps.~~
- 467 ~~(m) Railroad car lifts or dumpers.~~
- 468 ~~(n) Line jacks, false cars, shafters, moving platforms, and~~
469 ~~similar equipment used for installing an elevator by a~~
470 ~~contractor licensed in this state.~~
- 471 ~~(o) Automated people movers at airports.~~
- 472 ~~(p) Elevators in television and radio towers.~~
- 473 ~~(q) Hand-operated dumbwaiters.~~
- 474 ~~(r) Sewage pump station lifts.~~
- 475 ~~(s) Automobile parking lifts.~~
- 476 ~~(t) Equipment covered in s. 1.2 of the Elevator Safety~~
477 ~~Code.~~
- 478 ~~(u) Elevators, inclined stairway chairlifts, and inclined~~
479 ~~or vertical wheelchair lifts located in private residences.~~
- 480 ~~(4) Each elevator shall have a serial number assigned by~~
481 ~~the department painted on or attached to the elevator car in~~
482 ~~plain view and also to the driving mechanism. This serial number~~
483 ~~shall be shown on all required certificates and permits.~~
- 484 ~~(5) (a) The construction permitholder is responsible for the~~
485 ~~correction of violations and deficiencies until the elevator has~~
486 ~~been inspected and a certificate of operation has been issued by~~
487 ~~the department. The construction permitholder is responsible for~~
488 ~~all tests of new and altered equipment until the elevator has~~
489 ~~been inspected and a certificate of operation has been issued by~~
490 ~~the department.~~
- 491 ~~(b) The elevator owner is responsible for the safe~~
492 ~~operation, proper maintenance, and inspection and correction of~~
493 ~~code deficiencies of the elevator after a certificate of~~

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494 ~~operation has been issued by the department. The~~
495 ~~responsibilities of the elevator owner may be assigned by lease.~~

496 ~~(6) The department is empowered to carry out all of the~~
497 ~~provisions of this chapter relating to the inspection and~~
498 ~~regulation of elevators and to enforce the provisions of the~~
499 ~~Florida Building Code.~~

500 (3) The department may employ certified elevator inspectors
501 to monitor and oversee any licenseholder or certificate of
502 operation holder.

503 ~~(7) The Elevator Safety Technical Advisory Committee shall~~
504 ~~annually review the provisions of the Safety Code for Elevators~~
505 ~~and Escalators ASME A17.1, ASME A18.1, or other related model~~
506 ~~codes and amendments thereto, concurrent with the update of the~~
507 ~~Florida Building Code and recommend to the Florida Building~~
508 ~~Commission revisions to the Florida Building Code to maintain~~
509 ~~the protection of the public health, safety, and welfare.~~

510 (4) (a) The division may grant requests for variances for
511 undue hardship which may be less restrictive than this section
512 or the rules adopted by the division under this section. The
513 division may not grant a request for a variance unless it finds
514 that:

515 1. The variance will not adversely affect the safety of the
516 public;

517 2. A reasonable alternative to the required construction
518 does not exist; and

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

520 (b) The Elevator Safety Technical Advisory Council shall
521 review requests for variances and recommend agency action;
522 however, variance requests for a type of hardship which were

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523 previously reviewed by the Elevator Safety Technical Advisory
524 Council and for which precedent exists shall be reviewed and
525 acted upon by the division. The division shall expedite
526 emergency requests for variances to ensure that such requests
527 are acted upon within 30 days after receiving the request.

528 (5) The division shall adopt rules to administer and
529 implement this section. The rules must include, but are not
530 limited to, the process for requests for variances and
531 associated fees. The fee may not exceed \$150 for routine
532 variance requests and \$300 for emergency variance requests.

533 Section 4. Section 399.03, Florida Statutes, is amended to
534 read:

535 399.03 Permits Design, installation, and alteration of
536 conveyances.-

537 (1) A conveyance covered by this chapter may not be
538 erected, constructed, installed, or altered within buildings or
539 structures until a permit has been obtained from the department.
540 Permits must be applied for by a certified ~~registered~~ elevator
541 company and may ~~only~~ be granted only upon receipt and approval
542 of an application to be made on a form prescribed by the
543 department, accompanied by proper fees and a sworn statement
544 from a certified elevator professional acting as an agent of the
545 certified ~~registered~~ elevator company that the plans meet all
546 applicable ~~elevator safety and building~~ codes. Permits may be
547 granted only to certified ~~registered~~ elevator companies in good
548 standing. ~~When any material alteration is made, the alteration~~
549 ~~must conform to applicable requirements of the Florida Building~~
550 ~~Code and the provisions of this chapter.~~ A copy of the permit
551 must be displayed and plans must be kept at the construction

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552 site at all times while the work is in progress and until a
553 certificate of operation is issued. A permit is ~~shall not be~~
554 required for the construction or repair of elevators for the
555 purpose of complying ~~in seeking to attain compliance~~ with
556 regional emergency elevator access requirements. ~~Elevator owners~~
557 ~~shall forward to the department, in an electronic format~~
558 ~~approved by the department, an emergency access notification~~
559 ~~that compliance measures are either not required or are being~~
560 ~~implemented. The emergency access notification must also contain~~
561 ~~specific compliance information, including the current~~
562 ~~compliance status, specific measures required to attain~~
563 ~~compliance, and certification by a state-certified inspector.~~
564 ~~Fees may not be assessed for the filing of the emergency access~~
565 ~~notification. The department shall maintain an emergency~~
566 ~~elevator access registry that is available to the State Fire~~
567 ~~Marshal of the Department of Financial Services for enforcement~~
568 ~~purposes.~~

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

571 (3) ~~(2)~~ The department shall adopt rules establishing
572 ~~provide by rule for~~ permit application requirements and permit
573 fees.

574 (4) ~~(3)~~ Permits may be revoked if ~~for the following~~ reasons:

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

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

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

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581 performed in accordance with the provisions of the application,
582 plans, or specifications or with the code or conditions of the
583 permit.

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

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

589 (5) ~~(4)~~ A permit expires if:

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

594 (b) The work is suspended or abandoned for a period of 60
595 days, or such shorter period of time as the department may
596 specify at the time the permit is issued, after the work has
597 been started. For good cause, the department may allow a
598 discretionary extension for the foregoing period.

599 ~~(5) All new conveyance installations must be performed by a~~
600 ~~registered elevator company. Before any vertical conveyance is~~
601 ~~used, except those in a private residence, it must be inspected~~
602 ~~by a certified elevator inspector not employed, associated, or~~
603 ~~having a conflict of interest with the elevator construction~~
604 ~~permitholder or elevator owner and certified as meeting the~~
605 ~~safety provisions of the Florida Building Code, including the~~
606 ~~performance of all required safety tests. The certified elevator~~
607 ~~inspector shall provide the original copy of the inspection~~
608 ~~report to the department within 5 days after the inspection. A~~
609 ~~certificate of operation may not be issued until the~~

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610 ~~permitholder provides an affidavit signed by the construction~~
611 ~~supervisor attesting that the supervisor directly supervised the~~
612 ~~construction or installation of the elevator. Vertical~~
613 ~~conveyances, including stairway chairlifts, and inclined or~~
614 ~~vertical wheelchair lifts located in private residences are not~~
615 ~~required to obtain a certificate of operation under this~~
616 ~~chapter.~~

617 ~~(6) At the department's request, and to facilitate~~
618 ~~oversight and monitoring, the permitholder shall notify the~~
619 ~~department of the scheduled final inspection date and time for~~
620 ~~purposes of acquiring a certificate of inspection.~~

621 ~~(7) Each elevator shall comply with the edition of the~~
622 ~~Florida Building Code or Elevator Safety Code that was in effect~~
623 ~~at the time of receipt of application for the construction~~
624 ~~permit for the elevator.~~

625 ~~(8) Each alteration to, or relocation of, an elevator shall~~
626 ~~comply with the edition of the Florida Building Code or Elevator~~
627 ~~Safety Code that was in effect at the time of receipt of the~~
628 ~~application for the construction permit for the alteration or~~
629 ~~relocation.~~

630 ~~(9) When any change is made in the classification of an~~
631 ~~elevator, the elevator shall comply with all of the requirements~~
632 ~~of the version of the Florida Building Code or Elevator Safety~~
633 ~~Code that were in effect at the time of receipt of the~~
634 ~~application for the construction permit for the change in~~
635 ~~classification.~~

636 ~~(10) (a) The temporary use of an elevator during~~
637 ~~installation or alteration is authorized for a period of 30 days~~
638 ~~after the completion of a satisfactory temporary operation~~

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639 ~~inspection. An additional 30-day period of temporary use is~~
640 ~~authorized from the date of completion of each additional~~
641 ~~satisfactory temporary operation inspection. A satisfactory~~
642 ~~temporary operation inspection must satisfy the following~~
643 ~~criteria: the elevator is tested under contract load; the~~
644 ~~hoistway is fully enclosed; the hoistway doors and interlocks~~
645 ~~are installed; the car is completely enclosed, including door or~~
646 ~~gate and top; all electrical safety devices are installed and~~
647 ~~properly functioning; and terminal stopping equipment is in~~
648 ~~place for a safe runby and proper clearance. When a car is~~
649 ~~provided with a temporary enclosure, the operating means must be~~
650 ~~by constant pressure push-button or lever-type switch. The car~~
651 ~~may not exceed the minimum safe operating speed of the elevator,~~
652 ~~and the governor tripping speed must be set in accordance with~~
653 ~~the operating speed of the elevator.~~

654 ~~(b) Temporary use is authorized only when a satisfactory~~
655 ~~temporary operation inspection report, completed within the last~~
656 ~~30 days, by a certified elevator inspector, and a notice~~
657 ~~prescribed by the department, bearing a statement that the~~
658 ~~elevator has not been finally approved by a certified elevator~~
659 ~~inspector, are conspicuously posted in the elevator.~~

660 Section 5. Section 399.032, Florida Statutes, is created to
661 read:

662 399.032 Installation and alteration of conveyances; initial
663 certificate of operation.-

664 (1) The department shall assign a license number to each
665 conveyance, which must be painted on the frame, attached to the
666 conveyance car in plain view, or attached to the driving
667 mechanism. The license number must appear on all required

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668 certificates and permits.

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

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

677 (4) If the classification of a conveyance is changed, the
678 conveyance shall comply with the applicable requirements in the
679 edition of the Florida Building Code or Elevator Safety Code
680 which were in effect during the time that the application for
681 the construction permit for the change in classification was
682 received.

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

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

695 (7) Before any conveyance is used, except a conveyance in a
696 private residence, it must be inspected by a certified elevator

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697 inspector who is not employed by or associated with, or does not
698 have any conflict of interest with, the construction
699 permitholder or owner, and it must be certified as meeting the
700 safety provisions of the Florida Building Code, including the
701 performance of all required safety tests.

702 (8) A certificate of operation may not be issued until the
703 permitholder provides an affidavit signed by the construction
704 supervisor attesting that the supervisor directly supervised the
705 construction or installation of the conveyance.

706 (9) At the department's request, the permitholder shall
707 notify the department of the scheduled final inspection date and
708 time for the purpose of acquiring a certificate of operation.

709 (10) A certified elevator inspector shall perform initial
710 or acceptance inspections for satisfactory compliance with the
711 minimum code requirements before the conveyance is turned over
712 to the owner for use by the general public. A satisfactory
713 inspection is eligible for a certificate of operation to be
714 issued by the department.

715 (11) The certified elevator company that is issued a
716 construction or alteration permit shall correct violations and
717 deficiencies and shall test new and altered equipment until the
718 conveyance has been inspected and a certificate of operation has
719 been issued by the department.

720 Section 6. Section 399.033, Florida Statutes, is created to
721 read:

722 399.033 Temporary operation.—

723 (1) A conveyance may be temporarily used during
724 installation or alteration for a period of 90 days after a
725 satisfactory inspection is completed by a certified elevator

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726 inspector for such purpose as prescribed by rule by the
727 division.

728 (2) A conveyance may be temporarily used for an additional
729 30-day period following the date that each additional
730 satisfactory inspection is completed by a certified elevator
731 inspector for such purpose as prescribed by rule by the
732 division.

733 (3) The temporary use of a conveyance may not exceed 180
734 days unless a full-load test is performed in addition to the
735 other inspection requirements relating to temporary operation.

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

740 (5) The division shall adopt rules to administer this
741 section.

742 Section 7. Section 399.035, Florida Statutes, is amended to
743 read:

744 399.035 Elevator accessibility requirements for the
745 physically handicapped.—

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

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

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755 each call button.

756 (b) Each elevator car interior must have a support rail on
757 at least one wall. All support rails must be smooth and have no
758 sharp edges and must not be more than 1 1/2 inches thick or 2
759 1/2 inches in diameter. Support rails must be continuous and a
760 minimum length of 42 inches overall. The inside surface of
761 support rails must be 1 1/2 inches clear of the car wall. The
762 distance from the top of the support rail to the finished car
763 floor must be at least 31 inches and not more than 33 inches.
764 Padded or tufted material or decorative materials such as
765 wallpaper, vinyl, cloth, or the like may not be used on support
766 rails.

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

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

779 (e) A bench or seat may be installed on the rear wall of
780 the elevator car enclosure, if the bench or seat does not
781 protrude beyond the vertical plane of the elevator car enclosure
782 wall when folded into a recess provided for the bench or seat
783 and, when not in use, the bench or seat automatically folds into

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784 the recess. The bench or seat must be capable of supporting a
785 live load of at least 250 pounds on any 12-inch by 12-inch area.
786 A padded, tufted, or other decorative material may not be used
787 to cover the bench or seat; nor may the bench or seat encroach
788 on the minimum clear-inside-car dimensions specified in this
789 section.

790 (2) (a) Any existing building that is more than three
791 stories high or in which the vertical distance between the
792 bottom terminal landing and the top terminal landing exceeds 25
793 feet must be constructed to contain at least one passenger
794 elevator that is operational and will accommodate an ambulance
795 stretcher 76 inches long and 24 inches wide in the horizontal
796 position.

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

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

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813 (4) This section supersedes all other state laws and
814 regulations and local ordinances and rules affecting the
815 accessibility of passenger elevators to the physically
816 handicapped, and the standards established by this section may
817 not be modified by municipal or county ordinance.

818 Section 8. Section 399.049, Florida Statutes, is amended to
819 read:

820 399.049 Disciplinary action.—

821 (1) The department may suspend or revoke a certified
822 elevator inspector license, a certified elevator technician
823 license ~~an elevator inspector certification~~, an elevator company
824 certification ~~registration~~, a ~~an elevator~~ certificate of
825 competency, or a ~~an elevator~~ certificate of operation issued
826 under this chapter or impose an administrative penalty of up to
827 \$1,000 per violation upon any certified elevator inspector,
828 certified elevator technician, certified ~~registered~~ elevator
829 company, or certificate of operation holder ~~certificateholder~~
830 who commits any one or more of the following violations:

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

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

836 (c) Failure by a certified elevator inspector to provide
837 the department and the certificate of operation holder with a
838 copy of the inspection report within 5 days after the date of
839 any inspection performed after the initial certificate of
840 operation is issued.

841 (d) Failure to obtain a permit to alter or a permit to

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842 install a conveyance before commencing any work on the
843 installation of any equipment.

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

846 (f) Failure by a certified elevator inspector or certified
847 elevator company to perform a complete inspection on new
848 installations or a complete routine inspection, including
849 applicable Category 1, Category 3, or Category 5 Periodic
850 Testing in accordance with the appropriate edition of ASME
851 A17.1, which results in equipment turnover for public use and
852 errors and omissions of code violations and tests.

853 (g) Failure by a certified elevator inspector or certified
854 elevator company, upon the written request of the department, to
855 provide a written response that explains the inspection
856 procedures and applications of the elevator safety code used by
857 the certified elevator inspector or certified elevator company
858 for preparing an inspection report that has been submitted to
859 the department and found by the department to contain errors and
860 omissions of code violations and tests.

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

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

869 (j) Failure to comply with a final order issued by the
870 division.

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

875 (l) Failure by a certified elevator company to have a
876 certified elevator inspector perform an inspection pursuant to
877 s. 399.033(1) or (2) on a conveyance in temporary use and to
878 have a satisfactory inspection certificate conspicuously posted
879 in such conveyance.

880 (m) Failure by a certified elevator inspector to comply
881 with a request for information concerning a regulatory
882 monitoring inspection by a state elevator inspector or the
883 department.

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

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

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

889 399.061 Inspections; service maintenance contracts;
890 correction of deficiencies.—

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

898 (b) A statement verifying the existence and performance of
899 each service maintenance contract must be filed at least

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900 annually with the division and as prescribed by rule.
901 Cancellation of a service maintenance contract must be reported
902 to the division as prescribed by rule. A service maintenance
903 contract shall be made available upon request by the department.

904 (2) The division shall perform industry inspections to
905 regulate the quality of the annual inspections. The division
906 shall provide the owner with a copy of the inspection report
907 within 5 days after the date of such inspection.

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

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929 (4)~~(3)~~ Whenever the division determines from the results of
930 any inspection that, in the interest of the public safety, a
931 conveyance ~~an elevator~~ is in an unsafe condition, the division
932 may seal the conveyance ~~elevator~~ or order the discontinuance of
933 the use of the conveyance ~~elevator~~ until the division determines
934 by inspection that such conveyance ~~elevator~~ has been
935 satisfactorily repaired or replaced so that the conveyance
936 ~~elevator~~ may be operated in a safe manner.

937 (5)~~(4)~~ When the division determines that a conveyance ~~an~~
938 ~~elevator~~ is in violation of this chapter, the rules adopted
939 thereunder, or the Florida Building Code, the division may issue
940 an order to the ~~elevator~~ owner requiring correction of the
941 violation and reinspection of the conveyance ~~elevator~~ evidencing
942 the correction.

943 Section 10. Section 399.07, Florida Statutes, is amended to
944 read:

945 399.07 Certificates of operation; fees.—

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

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958 by rule a fee schedule for the renewal of certificates of
959 operation. The fees must be deposited into the Hotel and
960 Restaurant Trust Fund.

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

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

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

971 (5) Except for temporary use authorized by this chapter,
972 the operation or use of any newly installed, relocated, or
973 altered conveyance ~~elevator~~ is prohibited until the conveyance
974 ~~elevator~~ has passed the tests and inspections required by this
975 chapter and a certificate of operation has been issued.

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

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

986 Section 11. Section 399.10, Florida Statutes, is amended to

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987 read:

988 399.10 Enforcement of law.—

989 (1) It shall be the duty of The department shall to enforce
990 the provisions in of this chapter and. ~~The department shall~~
991 adopt rules to administer and implement ~~have rulemaking~~
992 authority to carry out the provisions of this chapter.

993 (2) Any person who obstructs or hinders an agent of the
994 division who is in the proper discharge of his or her duties;
995 who fails, neglects, or refuses to obtain a license or pay the
996 license fee required by law; or who fails or refuses to perform
997 any duty imposed by law or rule commits a misdemeanor of the
998 second degree, punishable as provided in s. 776.082 or s.
999 775.083. Each day the conveyance operates in violation of law or
1000 rule is a separate offense. The division may impose
1001 administrative sanctions for violations of this section.

1002 Section 12. Section 399.105, Florida Statutes, is amended
1003 to read:

1004 399.105 Administrative fines.—

1005 (1) Any person who fails to comply with the reporting
1006 requirements in of this chapter or with the reasonable requests
1007 of the department to determine whether the provisions of a
1008 service maintenance contract and its implementation ensure safe
1009 conveyance ~~elevator~~ operation is subject to an administrative
1010 fine not greater than \$1,000 in addition to any other penalty
1011 provided by law.

1012 (2) Any person who commences the operation, installation,
1013 relocation, or alteration of any conveyance ~~elevator~~ for which a
1014 permit or certificate is required by this chapter without having
1015 obtained from the department the permit or certificate is

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1016 subject to an administrative fine not greater than \$1,000 in
1017 addition to any other penalty provided by law.

1018 (3) An ~~elevator~~ owner who continues to operate a conveyance
1019 ~~an elevator~~ after notice to discontinue its use or after it has
1020 been sealed by the department is subject to an administrative
1021 fine not greater than \$1,000 for each day the conveyance
1022 ~~elevator~~ has been operated after the service of the notice or
1023 sealing by the department, in addition to any other penalty
1024 provided by law.

1025 (4) An ~~elevator~~ owner who fails to comply with an order to
1026 correct issued under s. 399.061(5) ~~s. 399.061(4)~~ within 90 ~~30~~
1027 days after its issuance is subject, in addition to any other
1028 penalty provided by law, to an administrative fine in an amount
1029 not to exceed \$1,000.

1030 (5) All administrative fines collected shall be deposited
1031 into the Hotel and Restaurant Trust Fund.

1032 Section 13. Section 399.1061, Florida Statutes, is amended
1033 to read:

1034 399.1061 Elevator Safety Technical Advisory Council.—

1035 (1) The Elevator Safety Technical Advisory Council is
1036 created within the division and shall consist of eight members
1037 appointed by the secretary of the department as follows ~~who meet~~
1038 ~~the following criteria:~~

1039 (a) One representative from a major elevator manufacturing
1040 company or its authorized representative;

1041 (b) One representative from an elevator servicing company;

1042 (c) One representative from a building design profession;

1043 (d) One representative of the general public;

1044 (e) One representative of a local government in this state;

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- 1045 (f) One representative of a building owner or manager;
1046 (g) One representative of labor involved in the
1047 installation, maintenance, and repair of conveyances ~~elevators~~;
1048 and
1049 (h) One representative who is a certified elevator
1050 inspector from a private inspection service.

1051
1052 The council shall provide technical assistance to the division
1053 in support of protecting the health, safety, and welfare of the
1054 public and shall give the division the benefit of the council
1055 members' knowledge and experience concerning the industries and
1056 individual businesses affected by the laws and rules
1057 administered by the division.

1058 (2) (a) The council members shall serve 4-year terms, except
1059 that, to provide for staggered terms, four of the initial
1060 appointees, as specified by rule, shall serve 2-year terms. All
1061 subsequent appointments shall be for 4-year terms. The council
1062 shall appoint one of the members to serve as chair and one of
1063 the members to serve as vice chair.

1064 (b) The council members shall serve without compensation,
1065 except that the members may be reimbursed for per diem and
1066 travel expenses as provided in s. 112.061.

1067 (3) The council may consult with engineering authorities
1068 and organizations concerned with standard safety codes for
1069 recommendations to the department regarding rules for the
1070 operation, maintenance, servicing, construction, alteration,
1071 installation, or inspection of ~~vertical~~ conveyances subject to
1072 this chapter.

1073 (4) The council shall meet at least once annually and upon

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1074 the request of the division or a majority of the council
1075 members.

1076 (5) The Elevator Safety Technical Advisory Council shall
1077 develop and submit to the director of the Division of Hotels and
1078 Restaurants of the Department of Business and Professional
1079 Regulation proposed revisions to this chapter and the rules
1080 adopted hereunder to conform to the latest editions of ASME
1081 A17.1, ASME A17.2, ASME A17.3, and ASME A18.1.

1082 (6) The Elevator Safety Technical Advisory Council shall
1083 annually review the Safety Code for Elevators and Escalators
1084 ASME A17.1, ASME A17.2, ASME A17.3, and ASME A18.1, or other
1085 related model codes and amendments thereto, concurrent with the
1086 update of the Florida Building Code, and recommend to the
1087 Florida Building Commission revisions to the Florida Building
1088 Code to continue protecting the public health, safety, and
1089 welfare.

1090 Section 14. Section 399.11, Florida Statutes, is amended to
1091 read:

1092 399.11 Penalties.—

1093 (1) Any person who violates any of the provisions of this
1094 chapter or the rules of the department commits ~~is guilty of~~ a
1095 misdemeanor of the second degree, punishable as provided in s.
1096 775.082 or s. 775.083.

1097 (2) Any person who falsely represents himself or herself as
1098 credentialed under this chapter commits ~~is guilty of~~ a
1099 misdemeanor of the second degree, punishable as provided in s.
1100 775.082 or s. 775.083.

1101 Section 15. Section 399.125, Florida Statutes, is amended
1102 to read:

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1103 399.125 Reporting of conveyance elevator accidents;
1104 penalties.—Within 5 working days after any accident occurring in
1105 or upon any conveyance elevator, which results in bodily injury
1106 requiring medical attention or results in death to any person
1107 and is presumptively caused by the malfunction of the equipment
1108 or misuse by a passenger of the equipment, the certificate of
1109 operation holder shall report the accident to the division on a
1110 form prescribed by rule by the division. Failure to timely file
1111 this report is a violation of this chapter and will subject the
1112 certificate of operation holder to an administrative fine, to be
1113 imposed by the division, in an amount not to exceed \$1,000. A
1114 state elevator inspector shall conduct a safety inspection of
1115 the conveyance within 72 hours after receiving a report of an
1116 accident which complies with the reporting requirements in this
1117 section. The division shall submit to the Governor, the
1118 President of the Senate, the Speaker of the House of
1119 Representatives, and the chairs of the legislative
1120 appropriations committees an annual report that analyzes
1121 elevator accidents during the preceding year, including the
1122 number of accidents that have resulted in medical attention or
1123 death, and, if available, whether the accidents were the result
1124 of rider behavior or elevator malfunction. The report shall be
1125 submitted by September 30 after the end of the fiscal year.

1126 Section 16. Section 399.13, Florida Statutes, is amended to
1127 read:

1128 399.13 Delegation of authority to municipalities or
1129 counties.—

1130 (1) The department may enter into contracts with
1131 municipalities or counties under which the municipalities or

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1132 counties will issue construction, installation, and alteration
1133 permits and certificates of operation; will provide for
1134 inspection of conveyances elevators, including initial
1135 acceptance, alteration acceptance, routine, callback, accident,
1136 complaint, and temporary operation inspections; and will enforce
1137 the applicable provisions of the Florida Elevator Safety Code
1138 and the Florida Building Code, as required by this chapter. The
1139 municipality or county may issue temporary operating permits.
1140 The municipality or county may choose to require inspections be
1141 performed by its own inspectors or by private certified elevator
1142 inspectors. The municipality or county may assess a reasonable
1143 fee for inspections performed by its inspectors and for
1144 variances issued in accordance with bureau standards. Each
1145 agreement shall include a provision that the municipality or
1146 county shall maintain for inspection by the department copies of
1147 all applications for permits issued, a copy of each inspection
1148 report issued, and proper records showing the number of
1149 certificates of operation issued; shall include a provision that
1150 each required inspection be conducted by a certified elevator
1151 inspector; and may include other provisions as the department
1152 deems necessary. The municipality or county shall enforce the
1153 Florida Building Code as it applies to this chapter and may
1154 impose fees and assess and collect fines as part of its
1155 enforcement activities. License fees that are imposed by the
1156 municipality or county shall be the same amount as the fees
1157 imposed by the division. A county or municipality may not issue
1158 or take disciplinary action against a certificate of competency,
1159 an elevator inspector certification, an elevator technician
1160 certification, or an elevator company certification

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1161 ~~registration~~. However, the department may initiate disciplinary
1162 action against a ~~registration or~~ certification at the request of
1163 a county or municipality.

1164 (2) The department may inspect conveyances ~~make inspections~~
1165 ~~of elevators~~ in the municipality or county for the purpose of
1166 determining that the provisions of this chapter are being met
1167 and may cancel the contract with any municipality or county that
1168 the department finds has failed to comply with the contract or
1169 this chapter. ~~The amendments to chapter 399 by this act shall~~
1170 ~~apply only to the installation, relocation, or alteration of an~~
1171 ~~elevator for which a permit has been issued after October 1,~~
1172 ~~1990.~~

1173 Section 17. Section 399.15, Florida Statutes, is amended to
1174 read:

1175 399.15 Regional emergency elevator access.-

1176 (1) In order to provide emergency access to elevators:

1177 (a) For each building in this state which is six or more
1178 stories in height, including, but not limited to, hotels and
1179 condominiums, on which a building permit is issued after
1180 September 30, 2006, all of the keys for elevators that allow
1181 public access, including, but not limited to, service and
1182 freight elevators, must be keyed so as to allow all elevators
1183 within each of the seven state emergency response regions to
1184 operate in fire emergency situations with one master elevator
1185 key.

1186 (b) Any building in this state which is six or more stories
1187 in height and has undergone "substantial improvement" as defined
1188 in s. 161.54(12) must also comply with paragraph (a).

1189 (2) Each existing building in this state which is six or

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1190 more stories in height must comply with subsection (1) before
1191 October 1, 2009.

1192 (3) In addition to ~~elevator~~ owners, owners' agents,
1193 certified elevator companies, certified elevator ~~elevator~~
1194 ~~contractors, state-certified~~ inspectors, and state agency
1195 representatives, master elevator keys may be issued only to the
1196 fire department and may not be issued to any other emergency
1197 response agency. A person may not duplicate a master elevator
1198 key for issuance to, or issue such a key to, anyone other than
1199 authorized fire department personnel. Each master elevator key
1200 must be marked "DO NOT DUPLICATE."

1201 (4) If it is technically, financially, or physically
1202 impossible to bring a building into compliance with this
1203 section, the local fire marshal may allow substitute emergency
1204 measures that will provide reasonable emergency elevator access.
1205 The local fire marshal's decision regarding substitute measures
1206 may be appealed to the State Fire Marshal.

1207 (5) The Division of State Fire Marshal of the Department of
1208 Financial Services shall enforce this section. Any person who
1209 fails to comply with ~~the requirements of~~ this section is subject
1210 to an administrative fine of not more than \$1,000, in addition
1211 to any other penalty provided by law. All administrative fines
1212 shall be deposited into the Insurance Regulatory Trust Fund.

1213 (6) Builders should make every effort to use new technology
1214 and developments in keying systems which make it possible to
1215 convert existing equipment so as to provide efficient regional
1216 emergency elevator access.

1217 (7) The Department of Financial Services shall adopt rules
1218 to implement this section, including rules to determine the

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1219 master elevator key to be used within each of the emergency
1220 response regions.

1221 (8) The department shall maintain a regional emergency
1222 elevator access registry that is available to the State Fire
1223 Marshal of the Department of Financial Services for enforcement
1224 purposes.

1225 (9) This section does not affect the application of the
1226 uniform firesafety standards, the Life Safety Code, or the
1227 Elevator Safety Code.

1228 Section 18. Section 399.16, Florida Statutes, is created to
1229 read:

1230 399.16 Certificate of competency; certified elevator
1231 professional licensure and elevator company certification
1232 requirements; renewals; fees.—The department shall issue
1233 certificates of competency, certified elevator professional
1234 licenses, and elevator company certifications to any person who
1235 meets the minimum requirements for the type of certification or
1236 license for which the person is applying. Each certificate of
1237 competency, certified elevator professional license, and
1238 elevator company certification issued under this section is
1239 valid for and expires at the end of 1 year. The division shall
1240 adopt rules establishing procedures for applications and the
1241 renewal of certificates and licenses issued under this section.

1242 (1) CERTIFICATE OF COMPETENCY.—Each natural person who
1243 applies for a license as a certified elevator professional must
1244 obtain a certificate of competency from the division before he
1245 or she receives a certified elevator professional license. The
1246 division shall deem qualified and issue a certificate of
1247 competency to any natural person who pays a nonrefundable fee of

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1248 \$50 and meets the following requirements:

1249 (a) A licensed mechanical engineer whose license is in good
1250 standing;

1251 (b) Proof of completion and successful passage of a written
1252 examination administered by the division or a provider approved
1253 by the division under standards adopted by rule; or

1254 (c) Licensure or certification by a state or local
1255 jurisdiction in the United States having standards substantially
1256 equal to or more stringent than those in this chapter; and

1257 1. Four years of nonsupervisory industry work experience
1258 physically performing the construction, installation,
1259 maintenance, and repair of conveyances covered by this chapter
1260 and verified by current or previously registered elevator
1261 companies, as required by the division; or

1262 2. Proof of completion of an apprenticeship program for
1263 elevator mechanics which has standards substantially equivalent
1264 to the standards of a national training program for elevator
1265 mechanics and registration with the Bureau of Apprenticeship and
1266 Training of the United States Department of Labor or a state
1267 apprenticeship authority.

1268 (2) CERTIFIED ELEVATOR PROFESSIONAL LICENSURE.—

1269 (a) Certified elevator technician.—Each natural person must
1270 apply for and obtain a license from the division before
1271 commencing the duties of a certified elevator technician. The
1272 division shall deem qualified and issue a certified elevator
1273 technician license to any person who:

1274 1. Holds a valid certificate of competency issued by the
1275 division;

1276 2. Provides proof of general liability insurance coverage

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1277 in the minimum amounts set by rule by the division; and

1278 3. Pays a nonrefundable fee of \$50.

1279 (b) Certified elevator inspector.—Each natural person must
1280 apply for and obtain a license from the division before
1281 commencing the duties of a certified elevator inspector. The
1282 division shall deem qualified and issue a certified elevator
1283 inspector license to any person who:

1284 1. Holds a valid certificate of competency issued by the
1285 division;

1286 2. Provides proof of a properly acquired and valid
1287 qualified elevator inspector credential as prescribed by the
1288 American Society of Mechanical Engineers;

1289 3. Provides proof of general liability insurance coverage
1290 in the minimum amounts set by rule by the division; and

1291 4. Pays a nonrefundable fee of \$50.

1292 (3) CERTIFIED ELEVATOR COMPANIES.—An elevator company must
1293 register each year with and be certified by the division before
1294 constructing, installing, inspecting, maintaining, and repairing
1295 any conveyance under this chapter. The division shall deem
1296 qualified and issue an elevator company certification to any
1297 elevator company that:

1298 1. Provides proof of employment of a natural person who
1299 holds a certificate of competency issued by the division;

1300 2. Maintains and provides proof of general liability
1301 insurance coverage in the minimum amounts set by rule by the
1302 division; and

1303 3. Pays a nonrefundable fee of \$50.

1304 (4) REFUSAL TO ISSUE.—The division may refuse to issue a
1305 new or renewal certificate of competency, certified elevator

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1306 professional license, or elevator company certification to any
1307 person who does not meet the requirements in this section or who
1308 has violated the provisions in this chapter or the rules adopted
1309 under this chapter.

1310 (5) RENEWAL.—Each license and certification is valid for
1311 and expires at the end of 1 year and may be renewed by the
1312 division when the division receives the materials required for
1313 qualification as provided in this section and a nonrefundable
1314 fee of \$50.

1315 (a) In addition to the materials required for
1316 qualification, each certificate of competency holder shall
1317 provide proof of:

1318 1. Completion of 8 hours of continuing education; and
1319 2. General liability insurance coverage in the minimum
1320 amounts set by the division.

1321 (b) Each certified elevator inspector shall provide proof
1322 that his or her national credential remains in good standing.

1323 (c) The department shall adopt rules establishing criteria
1324 for providing approval and procedures for reporting continuing
1325 education.

1326 (6) ELEVATOR HELPERS AND MECHANICS.—

1327 (a) Elevator personnel who have not yet obtained a license
1328 may train as or perform work as an elevator helper under the
1329 direct supervision of a certified elevator technician, who must
1330 also be licensed as a certificate of competency holder, to
1331 construct, install, maintain, and repair any conveyance. The
1332 elevator helper shall be a listed employee of the certified
1333 elevator company as prescribed by rule by the division.

1334 (b) Elevator personnel who have not yet obtained a license

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1335 may train as or perform work as an elevator mechanic to
1336 construct, install, maintain, and repair elevators after
1337 successfully completing a formal 4-year apprenticeship training
1338 program and passing a mechanics exam to receive the designation
1339 of elevator mechanic.

1340 (7) FEES.—Fees collected under this section shall be
1341 deposited into the Hotel and Restaurant Trust Fund.

1342 Section 19. Section 399.17, Florida Statutes, is created to
1343 read:

1344 399.17 Citations for unlicensed activity; prohibitions;
1345 penalties.—

1346 (1) A person may not:

1347 (a) Falsely hold himself or herself or a business
1348 organization out as a licensee or certified elevator
1349 professional;

1350 (b) Present as his or her own the certificate, license, or
1351 certificate of operation of another;

1352 (c) Knowingly give false or forged evidence to the
1353 division, bureau, council, or a member thereof;

1354 (d) Use or attempt to use a license, certificate of
1355 competency, or certificate of operation which has expired, been
1356 suspended, or been revoked;

1357 (e) Operate a business organization engaged in the
1358 construction, installation, inspection, maintenance,
1359 replacement, repair, and service of conveyances after the
1360 termination, suspension, or revocation of its only certified
1361 elevator professional without designating another primary
1362 certified elevator professional;

1363 (f) Commence or perform work for which a permit or

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1364 certification is required and not in effect; or

1365 (g) Operate under an expired, suspended, or revoked license
1366 or certificate of competency, registration, permit, or
1367 certificate of operation.

1368 (2) Any unlicensed person or business organization who
1369 violates any of the provisions in this section commits a
1370 misdemeanor, punishable as provided in s. 399.11.

1371 (3) The department may issue a stop-work order for all
1372 unlicensed work on a project upon a finding of probable cause
1373 that a construction requiring a permit, certificate, or license
1374 is being performed without a current and valid permit,
1375 certificate, or license. Stop-work orders may be enforced using
1376 any cease and desist order or other related action by the
1377 department.

1378 (4) A state elevator inspector may issue a citation for any
1379 violation of this section if he or she, based upon a personal
1380 investigation, has reasonable and probable grounds to believe
1381 that such a violation has occurred.

1382 (a) A citation issued by a state elevator inspector shall
1383 be in a form prescribed by rule by the division and shall
1384 contain:

1385 1. The time and date of issuance.

1386 2. The professional license number, conveyance license
1387 number, or conveyance serial number, if available.

1388 3. The time and date of the violation.

1389 4. The name and address of the person to whom the citation
1390 is issued.

1391 5. A brief description of the violation and the facts
1392 constituting reasonable and probable cause.

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1393 6. The name of the state elevator inspector issuing the
1394 citation.

1395 7. The procedure for the person to follow in order to pay
1396 the civil penalty or to contest the citation.

1397 8. The applicable civil penalty if the person elects not to
1398 contest the citation.

1399 (b) The division may cite unlicensed owners, unlicensed
1400 elevator personnel, and uncertified elevator companies under
1401 this section and may establish procedures for implementing this
1402 section, including a schedule of penalties.

1403 (c) The act for which the citation is issued shall cease
1404 upon receipt of the citation and the person who receives the
1405 citation must correct the violation and respond to the civil
1406 penalty in the manner indicated on the citation or, within 10
1407 days after receiving the citation, exclusive of weekends and
1408 legal holidays, request an administrative hearing.

1409 1. The department or the Division of Administrative
1410 Hearings shall hold hearings conducted pursuant to chapter 120.

1411 2. The failure to file an appeal of the decision by the
1412 state elevator inspector within the 10-day time period set forth
1413 in this paragraph constitutes a waiver of the person's right to
1414 an administrative hearing. A waiver of the right to an
1415 administrative hearing shall be deemed an admission of the
1416 violation and penalties may be imposed accordingly.

1417 3. If the person issued the citation, or his or her
1418 designated representative, shows that the citation is invalid or
1419 that the violation has been corrected before an administrative
1420 hearing, the division may dismiss the citation unless the
1421 violation is irreparable or irreversible.

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1422 4. Each day that a violation knowingly and willfully
1423 continues constitutes a separate offense.

1424 (d) If the administrative hearing results in a finding that
1425 a violation exists, the department or administrative law judge
1426 may order the violator to pay a civil penalty of not less than
1427 the amount set forth on the citation, but not more than \$1,000
1428 per day for each violation. In determining the amount of the
1429 penalty, the department or administrative law judge, shall
1430 consider:

1431 1. The gravity of the violation.

1432 2. Any actions taken by the violator to correct the
1433 violation.

1434 3. Any previous violations committed by the violator.

1435 (e) If the violator has not contested the citation or paid
1436 the civil penalty within the timeframe provided in the citation,
1437 or if a violation has not been corrected within the timeframe
1438 set during the administrative proceedings, the division shall
1439 enter an order requiring the violator to pay the civil penalty
1440 provided in the citation. A hearing is not required for the
1441 issuance of such order.

1442 (f) An aggrieved party may appeal a final order issued by
1443 the department in accordance with s. 120.68. All notices and
1444 administrative proceedings required in this chapter shall be
1445 provided to the alleged violator by certified mail, return
1446 receipt requested, or by hand delivery by the state elevator
1447 inspector.

1448 (g) Any person who willfully refuses to sign and accept a
1449 citation issued by a state elevator inspector commits a
1450 misdemeanor of the second degree, punishable as provided in s.

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1451 775.082 or s. 775.083.

1452 (h) This section does not prohibit a county or municipality
1453 from enforcing its codes or ordinances by other means.

1454 (i) This section does not authorize local jurisdictions to
1455 exercise disciplinary authority or procedures established in
1456 this section against an individual.

1457 (5) The citation must be issued to the owner of the
1458 unlicensed conveyance or to a natural person who violates the
1459 provisions in subsection (1).

1460 (6) The remedies set forth in this section are not
1461 exclusive and may be imposed in addition to the remedies set
1462 forth in this chapter.

1463 Section 20. Section 399.18, Florida Statutes, is created to
1464 read:

1465 399.18 Certified elevator professionals; duties and
1466 requirements.—Certified elevator professionals shall comply with
1467 the duties and requirements in this section in addition to the
1468 duties and requirements in this chapter.

1469 (1) Certified elevator professionals shall directly
1470 supervise elevator helpers performing the procedures to which
1471 the elevator helper is assigned.

1472 (2) Certified elevator inspectors shall:

1473 (a) Inspect conveyances or witness periodic tests in
1474 accordance with this chapter and the rules adopted hereunder,
1475 the Florida Building Code, the latest edition of ASME A17.2
1476 Guide for Inspection of Elevators, Escalators and Moving Walks,
1477 and ASME QEI-1 standards, including the national code of
1478 conduct.

1479 (b) Submit to the department, in a format approved by the

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1480 division, the original inspection report, signed by the
1481 inspector and the owner.

1482 (c) Provide the certificate of operation holder with a copy
1483 of the elevator inspection report within 5 days after the date
1484 of inspection. A copy of the inspection report shall be retained
1485 for quality assurance review or other inspection-related
1486 requests as provided by rule.

1487 (3) Private elevator inspectors shall:

1488 (a) Respond to the department upon any finding of omissions
1489 or errors on the elevator inspection report and shall submit a
1490 corrected inspection report in a timely manner as prescribed by
1491 rule.

1492 (b) Perform initial or acceptance inspections for
1493 satisfactory compliance with minimum code requirements before
1494 the conveyance is turned over to the owner for use by the
1495 general public.

1496 (4) State elevator inspectors shall:

1497 (a) Monitor and oversee any licenseholder or certificate of
1498 operation holder by conducting periodic inspections and
1499 activities.

1500 (b) Periodically provide reviews for quality assurance by
1501 conducting a physical examination or related compliance
1502 activities for conveyance inspections and tests performed by a
1503 private elevator inspector, on behalf of the division in
1504 accordance with this chapter.

1505 (c) Provide oversight or the regulatory supervision of
1506 application and permit issuance by the department for elevator
1507 construction, installation, inspection, maintenance, repairs,
1508 and service, and ensure code compliance by elevator companies

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1509 and employed personnel working on conveyances to ensure the
1510 health, safety, and welfare of the riding public in accordance
1511 with the Florida Building Code and this chapter.

1512 (5) Certified elevator inspectors employed by a
1513 municipality or county under contract with the division may not
1514 construct, install, maintain, repair, or perform inspections
1515 other than in the performance of official duties for the
1516 municipality or county on any elevator or conveyance located
1517 within the employing municipality or county.

1518 (6) Private elevator inspectors may conduct annual safety
1519 inspections and witness periodic tests on behalf of owners.

1520 (7) Certified elevator inspectors may not have a conflict
1521 of interest with the owner, or with the certified elevator
1522 company that constructed, installed, maintained, or repaired the
1523 conveyance. The certified elevator inspector shall maintain
1524 professional conduct in accordance with rules adopted by the
1525 division, the Florida Building Code, and the latest edition of
1526 the ASME QEI-1 standards.

1527 Section 21. Section 399.19, Florida Statutes, is created to
1528 read:

1529 399.19 Owners; duties and requirements.—Owners shall comply
1530 with the duties and requirements in this section in addition to
1531 the duties and requirements in this chapter.

1532 (1) The owner shall assist the department or its agents by
1533 allowing access to the conveyance, machinery rooms and spaces,
1534 and maintenance records at any reasonable time for the purpose
1535 of enforcing this chapter.

1536 (2) The owner shall provide safe operation, proper
1537 maintenance, and inspection and correction of code deficiencies

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1538 of the conveyance after a certificate of operation has been
1539 issued by the department. The owner shall annually renew the
1540 certificate of operation before the current certificate of
1541 operation expires.

1542 (3) The owner shall forward to the department, in an
1543 electronic format approved by the department, a regional
1544 emergency access notification that compliance measures are not
1545 required or are being implemented. The regional emergency access
1546 notification must also contain specific compliance information,
1547 including the current compliance status, specific measures
1548 required to attain compliance, and certification by a certified
1549 elevator inspector. Fees may not be assessed for the filing of
1550 the regional emergency access notification.

1551 (4) The owner shall provide to the division the owner's
1552 name, address, city, state, and contact information for each
1553 licensed conveyance.

1554 (5) The owner shall sign the inspection report after the
1555 inspection by a certified elevator inspector is completed.

1556 Section 22. Section 399.20, Florida Statutes, is created to
1557 read:

1558 399.20 Enforcement; municipal and county officers to
1559 assist.—Any state or county attorney, sheriff, police officer,
1560 and any other appropriate municipal and county official shall,
1561 upon request, assist the division or any of its agents in the
1562 enforcement of this chapter.

1563 Section 23. Section 553.509, Florida Statutes, is amended
1564 to read:

1565 553.509 Vertical accessibility.—

1566 ~~(1) Sections Nothing in ss. 553.501-553.513 or the~~

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1567 guidelines do not ~~shall be construed to~~ relieve the owner of any
1568 building, structure, or facility governed by those sections from
1569 the duty to provide vertical accessibility to all levels above
1570 and below the occupiable grade level, regardless of whether the
1571 guidelines require an elevator to be installed in such building,
1572 structure, or facility, except for:

1573 (1) ~~(a)~~ Elevator pits, elevator penthouses, mechanical
1574 rooms, piping or equipment catwalks, and automobile lubrication
1575 and maintenance pits and platforms;

1576 (2) ~~(b)~~ Unoccupiable spaces, such as rooms, enclosed spaces,
1577 and storage spaces that are not designed for human occupancy,
1578 for public accommodations, or for work areas; and

1579 (3) ~~(c)~~ Occupiable spaces and rooms that are not open to the
1580 public and that house no more than five persons, including, but
1581 not limited to, equipment control rooms and projection booths.

1582 ~~(2) (a) Any person, firm, or corporation that owns, manages,~~
1583 ~~or operates a residential multifamily dwelling, including a~~
1584 ~~condominium, that is at least 75 feet high and contains a public~~
1585 ~~elevator, as described in s. 399.035(2) and (3) and rules~~
1586 ~~adopted by the Florida Building Commission, shall have at least~~
1587 ~~one public elevator that is capable of operating on an alternate~~
1588 ~~power source for emergency purposes. Alternate power shall be~~
1589 ~~available for the purpose of allowing all residents access for a~~
1590 ~~specified number of hours each day over a 5-day period following~~
1591 ~~a natural disaster, manmade disaster, emergency, or other civil~~
1592 ~~disturbance that disrupts the normal supply of electricity. The~~
1593 ~~alternate power source that controls elevator operations must~~
1594 ~~also be capable of powering any connected fire alarm system in~~
1595 ~~the building.~~

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1596 ~~(b) At a minimum, the elevator must be appropriately~~
1597 ~~prewired and prepared to accept an alternate power source and~~
1598 ~~must have a connection on the line side of the main disconnect,~~
1599 ~~pursuant to National Electric Code Handbook, Article 700. In~~
1600 ~~addition to the required power source for the elevator and~~
1601 ~~connected fire alarm system in the building, the alternate power~~
1602 ~~supply must be sufficient to provide emergency lighting to the~~
1603 ~~interior lobbies, hallways, and other portions of the building~~
1604 ~~used by the public. Residential multifamily dwellings must have~~
1605 ~~an available generator and fuel source on the property or have~~
1606 ~~proof of a current contract posted in the elevator machine room~~
1607 ~~or other place conspicuous to the elevator inspector affirming a~~
1608 ~~current guaranteed service contract for such equipment and fuel~~
1609 ~~source to operate the elevator on an on-call basis within 24~~
1610 ~~hours after a request. By December 31, 2006, any person, firm or~~
1611 ~~corporation that owns, manages, or operates a residential~~
1612 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
1613 ~~the local building inspection agency verification of engineering~~
1614 ~~plans for residential multifamily dwellings that provide for the~~
1615 ~~capability to generate power by alternate means. Compliance with~~
1616 ~~installation requirements and operational capability~~
1617 ~~requirements must be verified by local building inspectors and~~
1618 ~~reported to the county emergency management agency by December~~
1619 ~~31, 2007.~~

1620 ~~(c) Each newly constructed residential multifamily~~
1621 ~~dwelling, including a condominium, that is at least 75 feet high~~
1622 ~~and contains a public elevator, as described in s. 399.035(2)~~
1623 ~~and (3) and rules adopted by the Florida Building Commission,~~
1624 ~~must have at least one public elevator that is capable of~~

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1625 ~~operating on an alternate power source for the purpose of~~
1626 ~~allowing all residents access for a specified number of hours~~
1627 ~~each day over a 5-day period following a natural disaster,~~
1628 ~~manmade disaster, emergency, or other civil disturbance that~~
1629 ~~disrupts the normal supply of electricity. The alternate power~~
1630 ~~source that controls elevator operations must be capable of~~
1631 ~~powering any connected fire alarm system in the building. In~~
1632 ~~addition to the required power source for the elevator and~~
1633 ~~connected fire alarm system, the alternate power supply must be~~
1634 ~~sufficient to provide emergency lighting to the interior~~
1635 ~~lobbies, hallways, and other portions of the building used by~~
1636 ~~the public. Engineering plans and verification of operational~~
1637 ~~capability must be provided by the local building inspector to~~
1638 ~~the county emergency management agency before occupancy of the~~
1639 ~~newly constructed building.~~

1640 ~~(d) Each person, firm, or corporation that is required to~~
1641 ~~maintain an alternate power source under this subsection shall~~
1642 ~~maintain a written emergency operations plan that details the~~
1643 ~~sequence of operations before, during, and after a natural or~~
1644 ~~manmade disaster or other emergency situation. The plan must~~
1645 ~~include, at a minimum, a lifesafety plan for evacuation,~~
1646 ~~maintenance of the electrical and lighting supply, and~~
1647 ~~provisions for the health, safety, and welfare of the residents.~~
1648 ~~In addition, the owner, manager, or operator of the residential~~
1649 ~~multifamily dwelling must keep written records of any contracts~~
1650 ~~for alternative power generation equipment. Also, quarterly~~
1651 ~~inspection records of lifesafety equipment and alternate power~~
1652 ~~generation equipment must be posted in the elevator machine room~~
1653 ~~or other place conspicuous to the elevator inspector, which~~

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1654 ~~confirm that such equipment is properly maintained and in good~~
1655 ~~working condition, and copies of contracts for alternate power~~
1656 ~~generation equipment shall be maintained on site for~~
1657 ~~verification. The written emergency operations plan and~~
1658 ~~inspection records shall also be open for periodic inspection by~~
1659 ~~local and state government agencies as deemed necessary. The~~
1660 ~~owner or operator must keep a generator key in a lockbox posted~~
1661 ~~at or near any installed generator unit.~~

1662 ~~(c) Multistory affordable residential dwellings for persons~~
1663 ~~age 62 and older that are financed or insured by the United~~
1664 ~~States Department of Housing and Urban Development must make~~
1665 ~~every effort to obtain grant funding from the Federal Government~~
1666 ~~or the Florida Housing Finance Corporation to comply with this~~
1667 ~~subsection. If an owner of such a residential dwelling cannot~~
1668 ~~comply with the requirements of this subsection, the owner must~~
1669 ~~develop a plan with the local emergency management agency to~~
1670 ~~ensure that residents are evacuated to a place of safety in the~~
1671 ~~event of a power outage resulting from a natural or manmade~~
1672 ~~disaster or other emergency situation that disrupts the normal~~
1673 ~~supply of electricity for an extended period of time. A place of~~
1674 ~~safety may include, but is not limited to, relocation to an~~
1675 ~~alternative site within the building or evacuation to a local~~
1676 ~~shelter.~~

1677 ~~(f) As a part of the annual elevator inspection required~~
1678 ~~under s. 399.061, certified elevator inspectors shall confirm~~
1679 ~~that all installed generators required by this chapter are in~~
1680 ~~working order, have current inspection records posted in the~~
1681 ~~elevator machine room or other place conspicuous to the elevator~~
1682 ~~inspector, and that the required generator key is present in the~~

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1683 ~~lockbox posted at or near the installed generator. If a building~~
1684 ~~does not have an installed generator, the inspector shall~~
1685 ~~confirm that the appropriate rewiring and switching~~
1686 ~~capabilities are present and that a statement is posted in the~~
1687 ~~elevator machine room or other place conspicuous to the elevator~~
1688 ~~inspector affirming a current guaranteed contract exists for~~
1689 ~~contingent services for alternate power is current for the~~
1690 ~~operating period.~~

1691
1692 However, buildings, structures, and facilities must, at ~~as~~ a
1693 minimum, comply with the requirements in the Americans with
1694 Disabilities Act Accessibility Guidelines.

1695 Section 24. This act shall take effect July 1, 2009.