

By the Committee on Regulated Industries; and Senator Jones

580-04108-09

20091332c1

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; permitting elevator owners 3 years
23 following a revision to retrofit an elevator to comply
24 with noncritical revisions of the Elevator Safety
25 Code; amending s. 399.03, F.S.; revising provisions
26 relating to permits for conveyances; replacing the
27 term "registered" with "certified"; requiring that a
28 permit be revoked if a worksite or work being
29 performed is not directly supervised by a certified

580-04108-09

20091332c1

30 elevator professional; creating s. 399.032, F.S.;

31 providing requirements for the installation and

32 alteration of conveyances; requiring that the

33 department assign a license number to each conveyance;

34 providing requirements for the display of such license

35 number; creating s. 399.033, F.S.; providing

36 requirements for the temporary operation of a

37 conveyance during installation or alteration for a

38 specified period after inspection; requiring that the

39 temporary use of a conveyance not exceed 180 days;

40 requiring that the department post a notice in a

41 conveyance that is being temporarily used; requiring

42 that the notice contain certain statements; requiring

43 that the division adopt rules; amending s. 399.035,

44 F.S.; revising provisions relating to the requirements

45 for elevator accessibility for the physically

46 handicapped; providing requirements for buildings

47 issued a construction permit after a specified date;

48 amending s. 399.049, F.S.; revising provisions

49 relating to disciplinary action taken by the

50 department for certain violations by a certified

51 elevator inspector, elevator technician, elevator

52 company, or certificate of operation holder; providing

53 for additional violations; amending s. 399.061, F.S.;

54 revising provisions relating to inspections and

55 service maintenance contracts; requiring that the

56 division perform industry inspections to regulate the

57 quality of annual inspections; authorizing the

58 division to employ state elevator inspectors on a

580-04108-09

20091332c1

59 probationary status if certain qualifications are met;
60 requiring that the probationary period not exceed 1
61 year; amending s. 399.07, F.S.; decreasing the period
62 that a certificate of operation is valid; authorizing
63 the department to revoke a certificate of operation if
64 the department determines that the inspection report
65 contains omissions or errors; amending s. 399.10,
66 F.S.; providing penalties; amending s. 399.105, F.S.;
67 increasing the period in which an owner of a
68 conveyance must comply with an order to correct;
69 amending s. 399.1061, F.S.; providing for members of
70 the Elevator Safety Technical Advisory Council to
71 appoint a vice chair from among its membership;
72 requiring that the council meet at least once annually
73 and upon the division's request or a majority vote of
74 the council members; requiring that the council
75 develop and submit proposed revisions of ch. 399,
76 F.S., to the director of the Division of Hotels and
77 Restaurants; requiring that the council annually
78 review the Safety Code for Elevators and Escalators
79 and submit recommendations for revisions to the
80 Florida Building Code to the Florida Building
81 Commission; amending s. 399.11, F.S.; revising
82 provisions relating to penalties; amending s. 399.125,
83 F.S.; revising provisions relating to the reporting
84 requirements for certain conveyance accidents;
85 requiring that a state elevator inspector conduct a
86 safety inspection within a specified period after
87 receiving an accident report; requiring that the

580-04108-09

20091332c1

88 division submit an annual report that analyzes
89 accidents to the Governor and the Legislature by a
90 specified date; amending s. 399.13, F.S.; revising
91 provisions relating to the authority of municipalities
92 or counties to issue construction, installation, and
93 alteration permits and certificates of operation and
94 to inspect conveyances; authorizing municipalities and
95 counties to issue temporary operating permits;
96 amending s. 399.15, F.S.; requiring that the
97 department maintain a regional emergency elevator
98 access registry; creating s. 399.16, F.S.; providing
99 requirements for the issuance of certificates of
100 competency, certified elevator professional licensure,
101 and elevator company certification; providing
102 requirements for the renewal of such certificates and
103 fees; requiring that the department adopt rules;
104 requiring that the fees collected from certifications,
105 licenses, and renewals be deposited into the Hotel and
106 Restaurant Trust Fund; creating s. 399.17, F.S.;
107 providing penalties for unlicensed activity;
108 authorizing the department to issue a stop-work order
109 for unlicensed work upon a finding of probable cause;
110 authorizing a state elevator inspector to issue a
111 citation for unlicensed activity; requiring that the
112 citation contain certain information; authorizing the
113 division to issue citations and establish procedures
114 and penalties; providing for administrative hearings;
115 creating s. 399.18, F.S.; providing duties and
116 requirements for certified elevator professionals;

580-04108-09

20091332c1

117 creating s. 399.19, F.S.; providing duties and
118 requirements for owners of conveyances; creating s.
119 399.20, F.S.; requiring that certain municipal and
120 county officers assist the division or its agents in
121 enforcing ch. 399, F.S.; amending s. 553.509, F.S.;
122 deleting provisions related to vertical accessibility
123 to conform to changes made by the act; providing an
124 effective date.

125
126 Be It Enacted by the Legislature of the State of Florida:

127
128 Section 1. Section 399.01, Florida Statutes, is amended to
129 read:

130 399.01 Definitions.—As used in this chapter, the term:

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

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

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

143 (4) "Certified elevator company" means a business entity
144 registered with and authorized by the division which employs
145 certified elevator professionals to construct, install, inspect,

580-04108-09

20091332c1

146 maintain, or repair any conveyance.

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

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

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

158 (8)~~(3)~~ "Conveyance" means one of the following mechanical
159 devices:

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

164 (b) An escalator, which is a power-driven, inclined
165 continuous stairway that is used for raising or lowering
166 passengers.

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

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

174 (e) An inclined stairway chairlift that is used to

580-04108-09

20091332c1

175 transport physically handicapped persons over architectural
176 barriers.

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

181 (9)(4) "Department" means the Department of Business and
182 Professional Regulation.

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

189 (11)(5) "Division" means the Division of Hotels and
190 Restaurants of the Department of Business and Professional
191 Regulation.

192 (6) "Elevator" means one of the following mechanical
193 devices:

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

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

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

202 (d) A moving walk, which is a type of passenger-carrying
203 device on which passengers stand or walk and in which the

580-04108-09

20091332c1

204 ~~passenger-carrying surface remains parallel to its direction of~~
205 ~~motion and is uninterrupted.~~

206 ~~(e) An inclined stairway chairlift, which is a device used~~
207 ~~to transport physically handicapped persons over architectural~~
208 ~~barriers.~~

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

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

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

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

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

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

231 (16) "Inspection report" means a record containing the
232 results of an inspection which is completed on a form prescribed

580-04108-09

20091332c1

233 by rule.

234 (17) "New installation" means a conveyance that is under
235 construction until a final acceptance inspection is
236 satisfactorily completed and the conveyance is turned over to
237 the owner for public use.

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

242 (19) "Private elevator inspector" means a certified
243 elevator inspector who is self-employed, employed by a certified
244 elevator company, or employed by a private business entity.

245 (20)~~(9)~~ "Private residence" means a separate dwelling or a
246 separate apartment in a multiple dwelling which is occupied by
247 members of a single-family unit.

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

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

260 (23) "State elevator inspector" means a certified elevator
261 inspector who is employed by the department or other

580-04108-09

20091332c1

262 governmental entity for the purpose of conducting conveyance
263 inspections and compliance activities on behalf of the
264 department.

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

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

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

580-04108-09

20091332c1

291 ~~(14) "Certified elevator inspector" is a natural person~~
292 ~~registered with and authorized by the division to construct,~~
293 ~~install, inspect, maintain, or repair any vertical conveyance,~~
294 ~~after having properly acquired the qualified elevator inspector~~
295 ~~credential as prescribed by the American Society of Mechanical~~
296 ~~Engineers. Each certified elevator inspector must annually~~
297 ~~register with the division and provide proof of completion of 8~~
298 ~~hours of continuing education, proof that the qualified elevator~~
299 ~~inspector credential remains in good standing, and proof of~~
300 ~~general liability insurance coverage in the minimum amounts set~~
301 ~~by the division.~~

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

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

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

580-04108-09

20091332c1

320 ~~hours of continuing education from a provider approved by the~~
321 ~~department and a nonrefundable renewal fee of \$50. The~~
322 ~~department shall adopt by rule criteria for providing approval~~
323 ~~and procedures for continuing education reporting.~~

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

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

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

332 ~~a. Proof of completion and successful passage of a written~~
333 ~~examination administered by the division or a provider approved~~
334 ~~by the division under standards it adopted by rule.~~

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

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

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

346

347 All other building transportation terms are defined in the
348 current Florida Building Code.

580-04108-09

20091332c1

349 Section 2. Section 399.015, Florida Statutes, is created to
350 read:

351 399.015 Application.—

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

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

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

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

368 (2) This chapter does not apply to:

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

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

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

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

376 (e) Conveyors and related equipment within the scope of
377 ASME B20.1.

580-04108-09

20091332c1

- 378 (f) Cranes, derricks, hoists, hooks, jacks, and slings
379 within the scope of ASME B30.
- 380 (g) Industrial trucks within the scope of ASME B56.
- 381 (h) Portable equipment, except for portable escalators,
382 which are covered by ASME A17.1.
- 383 (i) Tiered or piling machines that are used to move
384 materials to and from storage and that are located and operating
385 entirely within one story.
- 386 (j) Equipment for feeding or positioning materials at
387 machine tools and printing presses or other similar machinery.
- 388 (k) Skip or furnace hoists.
- 389 (l) Wharf ramps.
- 390 (m) Railroad car lifts or dumpers.
- 391 (n) Line jacks, false cars, shafters, moving platforms, and
392 similar equipment used for installing an elevator.
- 393 (o) Automated people movers at airports.
- 394 (p) Elevators in television and radio towers.
- 395 (q) Hand-operated dumbwaiters.
- 396 (r) Sewage pump station lifts.
- 397 (s) Automobile parking lifts.
- 398 (t) Equipment covered in s. 1.1.2 of ASME A17.1, as adopted
399 by the Florida Building Code.
- 400 (u) Elevators, inclined stairway chairlifts, and inclined
401 or vertical wheelchair lifts located in private residences.
- 402 (v) Platform elevators installed in a ship or offshore
403 drilling rig and used for the purpose of loading and unloading
404 cargo, equipment, and personnel.
- 405 (w) Dock levelers or freight platform lifts having a travel
406 distance of 500 millimeters, or 20 inches, or less.

580-04108-09

20091332c1

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

409 Section 3. Section 399.02, Florida Statutes, is amended to
410 read:

411 399.02 General requirements.—

412 (1) The department shall:

413 (a) Monitor and oversee conveyance inspections for quality
414 assurance;

415 (b) Regulate conveyances, certified elevator professionals,
416 and certified elevator companies; and

417 (c) Enforce the Florida Building Code.

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

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

427 ~~(2) This chapter covers the design, construction,~~
428 ~~operation, inspection, testing, maintenance, alteration, and~~
429 ~~repair of the following equipment and its associated parts and~~
430 ~~hoistways:~~

431 ~~(a) Hoisting and lowering mechanisms equipped with a car or~~
432 ~~platform which move between two or more landings. This equipment~~
433 ~~includes, but is not limited to, elevators, platform lifts, and~~
434 ~~stairway chairlifts.~~

435 ~~(b) Power driven stairways and walkways for carrying~~

580-04108-09

20091332c1

436 ~~persons between landings. This equipment includes, but is not~~
437 ~~limited to, escalators and moving walks.~~

438 ~~(c) Hoisting and lowering mechanisms equipped with a car~~
439 ~~which serves two or more landings and is restricted to the~~
440 ~~carrying of material by its limited size or limited access to~~
441 ~~the car. This equipment includes, but is not limited to,~~
442 ~~dumbwaiters, material lifts, and dumbwaiters with automatic-~~
443 ~~transfer devices.~~

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

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

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

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

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

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

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

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

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

464 ~~(i) Tiered or piling machines used to move materials to and~~

580-04108-09

20091332c1

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

580-04108-09

20091332c1

494 ~~(b) The elevator owner is responsible for the safe~~
495 ~~operation, proper maintenance, and inspection and correction of~~
496 ~~code deficiencies of the elevator after a certificate of~~
497 ~~operation has been issued by the department. The~~
498 ~~responsibilities of the elevator owner may be assigned by lease.~~

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

503 (3) The department may employ certified elevator inspectors
504 to monitor and oversee any licenseholder or certificate of
505 operation holder.

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

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

518 1. The variance will not adversely affect the safety of the
519 public;

520 2. A reasonable alternative to the required construction
521 does not exist; and

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

580-04108-09

20091332c1

523 (b) The Elevator Safety Technical Advisory Council shall
524 review requests for variances and recommend agency action;
525 however, variance requests for a type of hardship which were
526 previously reviewed by the Elevator Safety Technical Advisory
527 Council and for which precedent exists shall be reviewed and
528 acted upon by the division. The division shall expedite
529 emergency requests for variances to ensure that such requests
530 are acted upon within 30 days after receiving the request.

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

536 (6) Elevator owners have 3 years following a revision of
537 the Elevator Safety Code to retrofit an elevator to comply with
538 any noncritical revision of the code. This subsection does not
539 apply to new installations, any replacement of an existing
540 installation, or any repair of an existing installation for
541 which a construction permit is required. When revising the
542 Elevator Safety Code, the division shall determine for each
543 revision of the Elevator Safety Code whether the new or revised
544 code requirement is a critical or noncritical revision. To
545 determine whether a new or revised code requirement is a
546 critical or noncritical revision of the code, the division
547 shall:

548 (a) Determine the nature of the risk of harm or injury to
549 the public associated with the proposed code revision;

550 (b) Review whether there have been incidences of harm or
551 injury to the public related to the risk that the proposed code

580-04108-09

20091332c1

552 revision is intended to address;

553 (c) Evaluate whether a delay in the implementation of the
554 proposed code revision would pose a danger to life or safety;

555 (d) Consider the cost to elevator owners of compliance with
556 the proposed code revision; and

557 (e) Determine whether the risks associated with the
558 proposed code revision may be avoided or whether the benefits
559 associated with the proposed code revision may be achieved
560 through alternative means.

561

562 This subsection does not prohibit the division from granting
563 variances pursuant to ss. 120.542 and 399.02(4). The division
564 shall adopt rules to administer and implement this subsection.

565 Section 4. Section 399.03, Florida Statutes, is amended to
566 read:

567 399.03 Permits Design, installation, and alteration of
568 conveyances.-

569 (1) A conveyance covered by this chapter may not be
570 erected, constructed, installed, or altered within buildings or
571 structures until a permit has been obtained from the department.
572 Permits must be applied for by a certified ~~registered~~ elevator
573 company and may ~~only~~ be granted only upon receipt and approval
574 of an application to be made on a form prescribed by the
575 department, accompanied by proper fees and a sworn statement
576 from a certified elevator professional acting as an agent of the
577 certified ~~registered~~ elevator company that the plans meet all
578 applicable ~~elevator safety and building~~ codes. Permits may be
579 granted only to certified ~~registered~~ elevator companies in good
580 standing. ~~When any material alteration is made, the alteration~~

580-04108-09

20091332c1

581 ~~must conform to applicable requirements of the Florida Building~~
582 ~~Code and the provisions of this chapter.~~ A copy of the permit
583 must be displayed and plans must be kept at the construction
584 site at all times while the work is in progress and until a
585 certificate of operation is issued. A permit is ~~shall not be~~
586 required for the construction or repair of elevators for the
587 purpose of complying ~~in seeking to attain compliance~~ with
588 regional emergency elevator access requirements. ~~Elevator owners~~
589 ~~shall forward to the department, in an electronic format~~
590 ~~approved by the department, an emergency access notification~~
591 ~~that compliance measures are either not required or are being~~
592 ~~implemented. The emergency access notification must also contain~~
593 ~~specific compliance information, including the current~~
594 ~~compliance status, specific measures required to attain~~
595 ~~compliance, and certification by a state-certified inspector.~~
596 ~~Fees may not be assessed for the filing of the emergency access~~
597 ~~notification. The department shall maintain an emergency~~
598 ~~elevator access registry that is available to the State Fire~~
599 ~~Marshal of the Department of Financial Services for enforcement~~
600 ~~purposes.~~

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

603 (3) ~~(2)~~ The department shall adopt rules establishing
604 ~~provide by rule for~~ permit application requirements and permit
605 fees.

606 (4) ~~(3)~~ Permits may be revoked if ~~for the following reasons:~~

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

580-04108-09

20091332c1

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

612 (c) The work detailed under the permit is not being
613 performed in accordance with the provisions of the application,
614 plans, or specifications or with the code or conditions of the
615 permit.

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

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

621 (5)~~(4)~~ A permit expires if:

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

626 (b) The work is suspended or abandoned for a period of 60
627 days, or such shorter period of time as the department may
628 specify at the time the permit is issued, after the work has
629 been started. For good cause, the department may allow a
630 discretionary extension for the foregoing period.

631 ~~(5) All new conveyance installations must be performed by a~~
632 ~~registered elevator company. Before any vertical conveyance is~~
633 ~~used, except those in a private residence, it must be inspected~~
634 ~~by a certified elevator inspector not employed, associated, or~~
635 ~~having a conflict of interest with the elevator construction~~
636 ~~permitholder or elevator owner and certified as meeting the~~
637 ~~safety provisions of the Florida Building Code, including the~~
638 ~~performance of all required safety tests. The certified elevator~~

580-04108-09

20091332c1

639 ~~inspector shall provide the original copy of the inspection~~
640 ~~report to the department within 5 days after the inspection. A~~
641 ~~certificate of operation may not be issued until the~~
642 ~~permitholder provides an affidavit signed by the construction~~
643 ~~supervisor attesting that the supervisor directly supervised the~~
644 ~~construction or installation of the elevator. Vertical~~
645 ~~conveyances, including stairway chairlifts, and inclined or~~
646 ~~vertical wheelchair lifts located in private residences are not~~
647 ~~required to obtain a certificate of operation under this~~
648 ~~chapter.~~

649 ~~(6) At the department's request, and to facilitate~~
650 ~~oversight and monitoring, the permitholder shall notify the~~
651 ~~department of the scheduled final inspection date and time for~~
652 ~~purposes of acquiring a certificate of inspection.~~

653 ~~(7) Each elevator shall comply with the edition of the~~
654 ~~Florida Building Code or Elevator Safety Code that was in effect~~
655 ~~at the time of receipt of application for the construction~~
656 ~~permit for the elevator.~~

657 ~~(8) Each alteration to, or relocation of, an elevator shall~~
658 ~~comply with the edition of the Florida Building Code or Elevator~~
659 ~~Safety Code that was in effect at the time of receipt of the~~
660 ~~application for the construction permit for the alteration or~~
661 ~~relocation.~~

662 ~~(9) When any change is made in the classification of an~~
663 ~~elevator, the elevator shall comply with all of the requirements~~
664 ~~of the version of the Florida Building Code or Elevator Safety~~
665 ~~Code that were in effect at the time of receipt of the~~
666 ~~application for the construction permit for the change in~~
667 ~~classification.~~

580-04108-09

20091332c1

668 ~~(10) (a) The temporary use of an elevator during~~
669 ~~installation or alteration is authorized for a period of 30 days~~
670 ~~after the completion of a satisfactory temporary operation~~
671 ~~inspection. An additional 30-day period of temporary use is~~
672 ~~authorized from the date of completion of each additional~~
673 ~~satisfactory temporary operation inspection. A satisfactory~~
674 ~~temporary operation inspection must satisfy the following~~
675 ~~criteria: the elevator is tested under contract load; the~~
676 ~~hoistway is fully enclosed; the hoistway doors and interlocks~~
677 ~~are installed; the car is completely enclosed, including door or~~
678 ~~gate and top; all electrical safety devices are installed and~~
679 ~~properly functioning; and terminal stopping equipment is in~~
680 ~~place for a safe runby and proper clearance. When a car is~~
681 ~~provided with a temporary enclosure, the operating means must be~~
682 ~~by constant pressure push-button or lever-type switch. The car~~
683 ~~may not exceed the minimum safe operating speed of the elevator,~~
684 ~~and the governor tripping speed must be set in accordance with~~
685 ~~the operating speed of the elevator.~~

686 ~~(b) Temporary use is authorized only when a satisfactory~~
687 ~~temporary operation inspection report, completed within the last~~
688 ~~30 days, by a certified elevator inspector, and a notice~~
689 ~~prescribed by the department, bearing a statement that the~~
690 ~~elevator has not been finally approved by a certified elevator~~
691 ~~inspector, are conspicuously posted in the elevator.~~

692 Section 5. Section 399.032, Florida Statutes, is created to
693 read:

694 399.032 Installation and alteration of conveyances; initial
695 certificate of operation.—

696 (1) The department shall assign a license number to each

580-04108-09

20091332c1

697 conveyance, which must be painted on the frame, attached to the
698 conveyance car in plain view, or attached to the driving
699 mechanism. The license number must appear on all required
700 certificates and permits.

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

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

709 (4) If the classification of a conveyance is changed, the
710 conveyance shall comply with the applicable requirements in the
711 edition of the Florida Building Code or Elevator Safety Code
712 which were in effect during the time that the application for
713 the construction permit for the change in classification was
714 received.

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

718 (6) The certified elevator company that is issued a
719 construction or alteration permit shall install or alter the
720 conveyance for which the permit was issued. All new conveyance
721 installations or alterations on existing conveyances must be
722 performed by a certified elevator professional employed by a
723 certified elevator company. The certified elevator company may
724 assign an elevator helper employed by the same certified
725 elevator company to assist the certified elevator professional

580-04108-09

20091332c1

726 in his or her duties and for training purposes.

727 (7) Before any conveyance is used, except a conveyance in a
728 private residence, it must be inspected by a certified elevator
729 inspector who is not employed by or associated with, or does not
730 have any conflict of interest with, the construction
731 permitholder or owner, and it must be certified as meeting the
732 safety provisions of the Florida Building Code, including the
733 performance of all required safety tests.

734 (8) A certificate of operation may not be issued until the
735 permitholder provides an affidavit signed by the construction
736 supervisor attesting that the supervisor directly supervised the
737 construction or installation of the conveyance.

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

741 (10) A certified elevator inspector shall perform initial
742 or acceptance inspections for satisfactory compliance with the
743 minimum code requirements before the conveyance is turned over
744 to the owner for use by the general public. A satisfactory
745 inspection is eligible for a certificate of operation to be
746 issued by the department.

747 (11) The certified elevator company that is issued a
748 construction or alteration permit shall correct violations and
749 deficiencies and shall test new and altered equipment until the
750 conveyance has been inspected and a certificate of operation has
751 been issued by the department.

752 Section 6. Section 399.033, Florida Statutes, is created to
753 read:

754 399.033 Temporary operation.—

580-04108-09

20091332c1

755 (1) A conveyance may be temporarily used during
756 installation or alteration for a period of 90 days after a
757 satisfactory inspection is completed by a certified elevator
758 inspector for such purpose as prescribed by rule by the
759 division.

760 (2) A conveyance may be temporarily used for an additional
761 30-day period following the date that each additional
762 satisfactory inspection is completed by a certified elevator
763 inspector for such purpose as prescribed by rule by the
764 division.

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

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

772 (5) The division shall adopt rules to administer this
773 section.

774 Section 7. Section 399.035, Florida Statutes, is amended to
775 read:

776 399.035 Elevator accessibility requirements for the
777 physically handicapped.—

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

781 (a) In a building having any elevators that do not provide
782 access to every floor level, elevator hallway call buttons on
783 all main levels of ingress and on any floor that is commonly

580-04108-09

20091332c1

784 served by more than one group of elevators must be marked with
785 Arabic and braille symbols that indicate floor levels to which
786 access is provided. The symbols must be placed directly above
787 each call button.

788 (b) Each elevator car interior must have a support rail on
789 at least one wall. All support rails must be smooth and have no
790 sharp edges and must not be more than 1 1/2 inches thick or 2
791 1/2 inches in diameter. Support rails must be continuous and a
792 minimum length of 42 inches overall. The inside surface of
793 support rails must be 1 1/2 inches clear of the car wall. The
794 distance from the top of the support rail to the finished car
795 floor must be at least 31 inches and not more than 33 inches.
796 Padded or tufted material or decorative materials such as
797 wallpaper, vinyl, cloth, or the like may not be used on support
798 rails.

799 (c) Each elevator covered by this section must be available
800 to be used at any time to assist the physically handicapped in
801 an emergency evacuation. The requirements in ~~of~~ the latest
802 revision of s. 2.27.3 ~~s. 211~~ of the American Society of
803 Mechanical Engineers' National Standards Institute standard ASME
804 ANSI A17.1 and the accessibility requirements in the Florida
805 Building Code must be complied with in order to meet the
806 requirements in ~~of~~ this paragraph.

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

811 (e) A bench or seat may be installed on the rear wall of
812 the elevator car enclosure, if the bench or seat does not

580-04108-09

20091332c1

813 protrude beyond the vertical plane of the elevator car enclosure
814 wall when folded into a recess provided for the bench or seat
815 and, when not in use, the bench or seat automatically folds into
816 the recess. The bench or seat must be capable of supporting a
817 live load of at least 250 pounds on any 12-inch by 12-inch area.
818 A padded, tufted, or other decorative material may not be used
819 to cover the bench or seat; nor may the bench or seat encroach
820 on the minimum clear-inside-car dimensions specified in this
821 section.

822 (2) (a) Any existing building that is more than three
823 stories high or in which the vertical distance between the
824 bottom terminal landing and the top terminal landing exceeds 25
825 feet must be constructed to contain at least one passenger
826 elevator that is operational and will accommodate an ambulance
827 stretcher 76 inches long and 24 inches wide in the horizontal
828 position.

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

836 (3) This section applies only to elevators available for
837 the transportation of the public. This section does not apply to
838 elevators restricted by key or similar device to a limited
839 number of persons in a building that has an elevator that
840 otherwise meets the requirements of this section or to elevators
841 used only for the transportation of freight. However, elevators

580-04108-09

20091332c1

842 that are used as freight and passenger elevators for the public
843 and employees must comply with this section. This section does
844 not apply to dumbwaiters or escalators.

845 (4) This section supersedes all other state laws and
846 regulations and local ordinances and rules affecting the
847 accessibility of passenger elevators to the physically
848 handicapped, and the standards established by this section may
849 not be modified by municipal or county ordinance.

850 Section 8. Section 399.049, Florida Statutes, is amended to
851 read:

852 399.049 Disciplinary action.—

853 (1) The department may suspend or revoke a certified
854 elevator inspector license, a certified elevator technician
855 license ~~an elevator inspector certification~~, an elevator company
856 certification registration, a an elevator certificate of
857 competency, or a an elevator certificate of operation issued
858 under this chapter or impose an administrative penalty of up to
859 \$1,000 per violation upon any certified elevator inspector,
860 certified elevator technician, certified ~~registered~~ elevator
861 company, or certificate of operation holder ~~certificateholder~~
862 who commits any one or more of the following violations:

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

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

868 (c) Failure by a certified elevator inspector to provide
869 the department and the certificate of operation holder with a
870 copy of the inspection report within 5 days after the date of

580-04108-09

20091332c1

871 any inspection performed after the initial certificate of
872 operation is issued.

873 (d) Failure to obtain a permit to alter or a permit to
874 install a conveyance before commencing any work on the
875 installation of any equipment.

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

878 (f) Failure by a certified elevator inspector or certified
879 elevator company to perform a complete inspection on new
880 installations or a complete routine inspection, including
881 applicable Category 1, Category 3, or Category 5 Periodic
882 Testing in accordance with the appropriate edition of ASME
883 A17.1, which results in equipment turnover for public use and
884 errors and omissions of code violations and tests.

885 (g) Failure by a certified elevator inspector or certified
886 elevator company, upon the written request of the department, to
887 provide a written response that explains the inspection
888 procedures and applications of the Elevator Safety Code used by
889 the certified elevator inspector or certified elevator company
890 for preparing an inspection report that has been submitted to
891 the department and found by the department to contain errors and
892 omissions of code violations and tests.

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

897 (i) Failure to comply with an order requiring the
898 correction of a violation and the reinspection of the elevator
899 which is issued by the division under s. 399.061 within 90 days

580-04108-09

20091332c1

900 after the issuance of such order.

901 (j) Failure to comply with a final order issued by the
902 division.

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

907 (l) Failure by a certified elevator company to have a
908 certified elevator inspector perform an inspection pursuant to
909 s. 399.033(1) or (2) on a conveyance in temporary use and to
910 have a satisfactory inspection certificate conspicuously posted
911 in such conveyance.

912 (m) Failure by a certified elevator inspector to comply
913 with a request for information concerning a regulatory
914 monitoring inspection by a state elevator inspector or the
915 department.

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

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

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

921 399.061 Inspections; service maintenance contracts;
922 correction of deficiencies.—

923 (1) (a) All elevators or other conveyances subject to this
924 chapter must be annually inspected by a certified elevator
925 inspector or by a municipality or county under contract with the
926 division pursuant to s. 399.13. If the elevator is not an
927 escalator or a dumbwaiter, serves only two adjacent floors, and
928 is covered by a service maintenance contract, an inspection is

580-04108-09

20091332c1

929 not required so long as the service contract remains in effect.

930 (b) A statement verifying the existence and performance of
931 each service maintenance contract must be filed at least
932 annually with the division and as prescribed by rule.
933 Cancellation of a service maintenance contract must be reported
934 to the division as prescribed by rule. A service maintenance
935 contract shall be made available upon request by the department.

936 (2) The division shall perform industry inspections to
937 regulate the quality of the annual inspections. The division
938 shall provide the owner with a copy of the inspection report
939 within 5 days after the date of such inspection.

940 (3)~~(2)~~ The division may employ state elevator inspectors to
941 inspect a conveyance ~~an elevator~~ whenever necessary to ensure
942 its safe operation. The division may also employ state elevator
943 inspectors to conduct any inspections required in ~~by~~ this
944 chapter and may charge a fee for each inspection in an amount
945 sufficient to cover the costs of that inspection, as provided by
946 rule, if when a private ~~certified~~ elevator inspector is not
947 available. Each state elevator inspector shall be properly
948 qualified as a certified elevator inspector; however, the
949 division may employ state elevator inspectors on a probationary
950 status who do not possess a qualified elevator inspector
951 national accreditation and are not yet licensed by the state. A
952 state elevator inspector hired on a probationary status must
953 meet the qualifications of national accreditation standards;
954 must possess elevator industry knowledge, education, and
955 training; and must be supervised by the division to acquire the
956 necessary skills and meet the requirements to become a certified
957 elevator inspector pursuant to this chapter. The probationary

580-04108-09

20091332c1

958 period may not exceed 1 year and shall be rescinded if qualified
959 elevator inspector national accreditation and a certified
960 elevator inspector license are not obtained.

961 (4)~~(3)~~ Whenever the division determines from the results of
962 any inspection that, in the interest of the public safety, a
963 conveyance ~~an elevator~~ is in an unsafe condition, the division
964 may seal the conveyance ~~elevator~~ or order the discontinuance of
965 the use of the conveyance ~~elevator~~ until the division determines
966 by inspection that such conveyance ~~elevator~~ has been
967 satisfactorily repaired or replaced so that the conveyance
968 ~~elevator~~ may be operated in a safe manner.

969 (5)~~(4)~~ When the division determines that a conveyance ~~an~~
970 ~~elevator~~ is in violation of this chapter, the rules adopted
971 thereunder, or the Florida Building Code, the division may issue
972 an order to the ~~elevator~~ owner requiring correction of the
973 violation and reinspection of the conveyance ~~elevator~~ evidencing
974 the correction.

975 Section 10. Section 399.07, Florida Statutes, is amended to
976 read:

977 399.07 Certificates of operation; fees.—

978 (1) The certificate of operation is valid for a period not
979 to exceed 12 months ~~2 years~~ and shall expire at the end of the
980 period unless revoked. The department may adopt rules
981 establishing a procedure for certificate renewal. Certificates
982 of operation may be renewed only for ~~vertical~~ conveyances having
983 a current satisfactory inspection. The owner of a conveyance ~~an~~
984 ~~elevator~~ operating under ~~with~~ an expired certificate of
985 operation is in violation of this chapter. Certificate of
986 operation renewal applications received by the department after

580-04108-09

20091332c1

987 the date of expiration of the last current certificate must be
988 accompanied by a late fee of \$50 in addition to the renewal fee
989 and any other fees required by law. The department shall adopt
990 by rule a fee schedule for the renewal of certificates of
991 operation. The fees must be deposited into the Hotel and
992 Restaurant Trust Fund.

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

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

999 (4) In addition to subsection (3), the designation "NO
1000 SMOKING" along with the international symbol for no smoking
1001 shall be conspicuously displayed within the interior of the
1002 elevator in the plain view of the public.

1003 (5) Except for temporary use authorized by this chapter,
1004 the operation or use of any newly installed, relocated, or
1005 altered conveyance ~~elevator~~ is prohibited until the conveyance
1006 ~~elevator~~ has passed the tests and inspections required by this
1007 chapter and a certificate of operation has been issued.

1008 (6) The department may suspend any certificate of operation
1009 if it finds that the conveyance elevator is not in compliance
1010 with this chapter or the ~~of~~ rules adopted under this chapter.
1011 The suspension remains in effect until the department receives
1012 satisfactory results of an inspection performed by a certified
1013 elevator inspector indicating that the conveyance ~~elevator~~ has
1014 been brought into compliance.

1015 (7) The department may revoke any certificate of operation

580-04108-09

20091332c1

1016 if it finds that the inspection report resulting in the issuance
1017 contains omissions or errors.

1018 Section 11. Section 399.10, Florida Statutes, is amended to
1019 read:

1020 399.10 Enforcement of law.—

1021 (1) It shall be the duty of The department shall ~~to~~ enforce
1022 the provisions in ~~of~~ this chapter and. ~~The department shall~~
1023 adopt rules to administer and implement ~~have rulemaking~~
1024 authority to carry out the provisions of this chapter.

1025 (2) Any person who obstructs or hinders an agent of the
1026 division who is in the proper discharge of his or her duties;
1027 who fails, neglects, or refuses to obtain a license or pay the
1028 license fee required by law; or who fails or refuses to perform
1029 any duty imposed by law or rule commits a misdemeanor of the
1030 second degree, punishable as provided in s. 776.082 or s.
1031 775.083. Each day the conveyance operates in violation of law or
1032 rule is a separate offense. The division may impose
1033 administrative sanctions for violations of this section.

1034 Section 12. Section 399.105, Florida Statutes, is amended
1035 to read:

1036 399.105 Administrative fines.—

1037 (1) Any person who fails to comply with the reporting
1038 requirements in ~~of~~ this chapter or with the reasonable requests
1039 of the department to determine whether the provisions of a
1040 service maintenance contract and its implementation ensure safe
1041 conveyance ~~elevator~~ operation is subject to an administrative
1042 fine not greater than \$1,000 in addition to any other penalty
1043 provided by law.

1044 (2) Any person who commences the operation, installation,

580-04108-09

20091332c1

1045 relocation, or alteration of any conveyance ~~elevator~~ for which a
1046 permit or certificate is required by this chapter without having
1047 obtained from the department the permit or certificate is
1048 subject to an administrative fine not greater than \$1,000 in
1049 addition to any other penalty provided by law.

1050 (3) An ~~elevator~~ owner who continues to operate a conveyance
1051 ~~an elevator~~ after notice to discontinue its use or after it has
1052 been sealed by the department is subject to an administrative
1053 fine not greater than \$1,000 for each day the conveyance
1054 ~~elevator~~ has been operated after the service of the notice or
1055 sealing by the department, in addition to any other penalty
1056 provided by law.

1057 (4) An ~~elevator~~ owner who fails to comply with an order to
1058 correct issued under s. 399.061(5) ~~s. 399.061(4)~~ within 90 ~~30~~
1059 days after its issuance is subject, in addition to any other
1060 penalty provided by law, to an administrative fine in an amount
1061 not to exceed \$1,000.

1062 (5) All administrative fines collected shall be deposited
1063 into the Hotel and Restaurant Trust Fund.

1064 Section 13. Section 399.1061, Florida Statutes, is amended
1065 to read:

1066 399.1061 Elevator Safety Technical Advisory Council.—

1067 (1) The Elevator Safety Technical Advisory Council is
1068 created within the division and shall consist of eight members
1069 appointed by the secretary of the department as follows ~~who meet~~
1070 ~~the following criteria~~:

1071 (a) One representative from a major elevator manufacturing
1072 company or its authorized representative;

1073 (b) One representative from an elevator servicing company;

580-04108-09

20091332c1

1074 (c) One representative from a building design profession;
1075 (d) One representative of the general public;
1076 (e) One representative of a local government in this state;
1077 (f) One representative of a building owner or manager;
1078 (g) One representative of labor involved in the
1079 installation, maintenance, and repair of conveyances ~~elevators~~;
1080 and
1081 (h) One representative who is a certified elevator
1082 inspector from a private inspection service.
1083

1084 The council shall provide technical assistance to the division
1085 in support of protecting the health, safety, and welfare of the
1086 public and shall give the division the benefit of the council
1087 members' knowledge and experience concerning the industries and
1088 individual businesses affected by the laws and rules
1089 administered by the division.

1090 (2) (a) The council members shall serve 4-year terms, except
1091 that, to provide for staggered terms, four of the initial
1092 appointees, as specified by rule, shall serve 2-year terms. All
1093 subsequent appointments shall be for 4-year terms. The council
1094 shall appoint one of the members to serve as chair and one of
1095 the members to serve as vice chair.

1096 (b) The council members shall serve without compensation,
1097 except that the members may be reimbursed for per diem and
1098 travel expenses as provided in s. 112.061.

1099 (3) The council may consult with engineering authorities
1100 and organizations concerned with standard safety codes for
1101 recommendations to the department regarding rules for the
1102 operation, maintenance, servicing, construction, alteration,

580-04108-09

20091332c1

1103 installation, or inspection of ~~vertical~~ conveyances subject to
1104 this chapter.

1105 (4) The council shall meet at least once annually and upon
1106 the request of the division or a majority of the council
1107 members.

1108 (5) The Elevator Safety Technical Advisory Council shall
1109 develop and submit to the director of the Division of Hotels and
1110 Restaurants of the Department of Business and Professional
1111 Regulation proposed revisions to this chapter and the rules
1112 adopted hereunder to conform to the latest editions of ASME
1113 A17.1, ASME A17.2, ASME A17.3, and ASME A18.1.

1114 (6) The Elevator Safety Technical Advisory Council shall
1115 annually review the Safety Code for Elevators and Escalators
1116 ASME A17.1, ASME A17.2, ASME A17.3, and ASME A18.1, or other
1117 related model codes and amendments thereto, concurrent with the
1118 update of the Florida Building Code, and recommend to the
1119 Florida Building Commission revisions to the Florida Building
1120 Code to continue protecting the public health, safety, and
1121 welfare.

1122 Section 14. Section 399.11, Florida Statutes, is amended to
1123 read:

1124 399.11 Penalties.—

1125 (1) Any person who violates any of the provisions of this
1126 chapter or the rules of the department commits ~~is guilty of~~ a
1127 misdemeanor of the second degree, punishable as provided in s.
1128 775.082 or s. 775.083.

1129 (2) Any person who falsely represents himself or herself as
1130 credentialed under this chapter commits ~~is guilty of~~ a
1131 misdemeanor of the second degree, punishable as provided in s.

580-04108-09

20091332c1

1132 775.082 or s. 775.083.

1133 Section 15. Section 399.125, Florida Statutes, is amended
1134 to read:

1135 399.125 Reporting of conveyance ~~elevator~~ accidents;
1136 penalties.—Within 15 ~~5~~ working days after any accident occurring
1137 in or upon any conveyance ~~elevator~~, which results in bodily
1138 injury requiring medical attention or results in death to any
1139 person and is presumptively caused by the malfunction of the
1140 equipment or misuse by a passenger of the equipment, the
1141 certificate of operation holder shall report the accident to the
1142 division on a form prescribed by rule by the division. Failure
1143 to timely file this report is a violation of this chapter and
1144 will subject the certificate of operation holder to an
1145 administrative fine, to be imposed by the division, in an amount
1146 not to exceed \$1,000. A state elevator inspector shall conduct a
1147 safety inspection of the conveyance within 72 hours after
1148 receiving a report of an accident which complies with the
1149 reporting requirements in this section. The division shall
1150 submit to the Governor, the President of the Senate, the Speaker
1151 of the House of Representatives, and the chairs of the
1152 legislative appropriations committees an annual report that
1153 analyzes elevator accidents during the preceding year, including
1154 the number of accidents that have resulted in medical attention
1155 or death, and, if available, whether the accidents were the
1156 result of rider behavior or elevator malfunction. The report
1157 shall be submitted by September 30 after the end of the fiscal
1158 year.

1159 Section 16. Section 399.13, Florida Statutes, is amended to
1160 read:

580-04108-09

20091332c1

1161 399.13 Delegation of authority to municipalities or
1162 counties.-

1163 (1) The department may enter into contracts with
1164 municipalities or counties under which the municipalities or
1165 counties will issue construction, installation, and alteration
1166 permits and certificates of operation; will provide for
1167 inspection of conveyances elevators, including initial
1168 acceptance, alteration acceptance, routine, callback, accident,
1169 complaint, and temporary operation inspections; and will enforce
1170 the applicable provisions of the Florida Elevator Safety Code
1171 and the Florida Building Code, as required by this chapter. The
1172 municipality or county may issue temporary operating permits.
1173 The municipality or county may choose to require inspections be
1174 performed by its own inspectors or by private certified elevator
1175 inspectors. The municipality or county may assess a reasonable
1176 fee for inspections performed by its inspectors and for
1177 variances issued in accordance with bureau standards. Each
1178 agreement shall include a provision that the municipality or
1179 county shall maintain for inspection by the department copies of
1180 all applications for permits issued, a copy of each inspection
1181 report issued, and proper records showing the number of
1182 certificates of operation issued; shall include a provision that
1183 each required inspection be conducted by a certified elevator
1184 inspector; and may include other provisions as the department
1185 deems necessary. The municipality or county shall enforce the
1186 Florida Building Code as it applies to this chapter and may
1187 impose fees and assess and collect fines as part of its
1188 enforcement activities. License fees that are imposed by the
1189 municipality or county shall be the same amount as the fees

580-04108-09

20091332c1

1190 imposed by the division. A county or municipality may not issue
1191 or take disciplinary action against a certificate of competency,
1192 an elevator inspector certification, an elevator technician
1193 certification, or an elevator company certification
1194 ~~registration~~. However, the department may initiate disciplinary
1195 action against a ~~registration or~~ certification at the request of
1196 a county or municipality.

1197 (2) The department may inspect conveyances ~~make inspections~~
1198 ~~of elevators~~ in the municipality or county for the purpose of
1199 determining that the provisions of this chapter are being met
1200 and may cancel the contract with any municipality or county that
1201 the department finds has failed to comply with the contract or
1202 this chapter. ~~The amendments to chapter 399 by this act shall~~
1203 ~~apply only to the installation, relocation, or alteration of an~~
1204 ~~elevator for which a permit has been issued after October 1,~~
1205 ~~1990.~~

1206 Section 17. Section 399.15, Florida Statutes, is amended to
1207 read:

1208 399.15 Regional emergency elevator access.—

1209 (1) In order to provide emergency access to elevators:

1210 (a) For each building in this state which is six or more
1211 stories in height, including, but not limited to, hotels and
1212 condominiums, on which a building permit is issued after
1213 September 30, 2006, all of the keys for elevators that allow
1214 public access, including, but not limited to, service and
1215 freight elevators, must be keyed so as to allow all elevators
1216 within each of the seven state emergency response regions to
1217 operate in fire emergency situations with one master elevator
1218 key.

580-04108-09

20091332c1

1219 (b) Any building in this state which is six or more stories
1220 in height and has undergone "substantial improvement" as defined
1221 in s. 161.54(12) must also comply with paragraph (a).

1222 (2) Each existing building in this state which is six or
1223 more stories in height must comply with subsection (1) before
1224 October 1, 2009.

1225 (3) In addition to ~~elevator~~ owners, owners' agents,
1226 certified elevator companies, certified elevator ~~elevator~~
1227 ~~contractors, state-certified~~ inspectors, and state agency
1228 representatives, master elevator keys may be issued only to the
1229 fire department and may not be issued to any other emergency
1230 response agency. A person may not duplicate a master elevator
1231 key for issuance to, or issue such a key to, anyone other than
1232 authorized fire department personnel. Each master elevator key
1233 must be marked "DO NOT DUPLICATE."

1234 (4) If it is technically, financially, or physically
1235 impossible to bring a building into compliance with this
1236 section, the local fire marshal may allow substitute emergency
1237 measures that will provide reasonable emergency elevator access.
1238 The local fire marshal's decision regarding substitute measures
1239 may be appealed to the State Fire Marshal.

1240 (5) The Division of State Fire Marshal of the Department of
1241 Financial Services shall enforce this section. Any person who
1242 fails to comply with ~~the requirements of~~ this section is subject
1243 to an administrative fine of not more than \$1,000, in addition
1244 to any other penalty provided by law. All administrative fines
1245 shall be deposited into the Insurance Regulatory Trust Fund.

1246 (6) Builders should make every effort to use new technology
1247 and developments in keying systems which make it possible to

580-04108-09

20091332c1

1248 convert existing equipment so as to provide efficient regional
1249 emergency elevator access.

1250 (7) The Department of Financial Services shall adopt rules
1251 to implement this section, including rules to determine the
1252 master elevator key to be used within each of the emergency
1253 response regions.

1254 (8) The department shall maintain a regional emergency
1255 elevator access registry that is available to the State Fire
1256 Marshal of the Department of Financial Services for enforcement
1257 purposes.

1258 (9) This section does not affect the application of the
1259 uniform firesafety standards, the Life Safety Code, or the
1260 Elevator Safety Code.

1261 Section 18. Section 399.16, Florida Statutes, is created to
1262 read:

1263 399.16 Certificate of competency; certified elevator
1264 professional licensure and elevator company certification
1265 requirements; renewals; fees.—The department shall issue
1266 certificates of competency, certified elevator professional
1267 licenses, and elevator company certifications to any person who
1268 meets the minimum requirements for the type of certification or
1269 license for which the person is applying. Each certificate of
1270 competency, certified elevator professional license, and
1271 elevator company certification issued under this section is
1272 valid for and expires at the end of 1 year. The division shall
1273 adopt rules establishing procedures for applications and the
1274 renewal of certificates and licenses issued under this section.

1275 (1) CERTIFICATE OF COMPETENCY.—Each natural person who
1276 applies for a license as a certified elevator professional must

580-04108-09

20091332c1

1277 obtain a certificate of competency from the division before he
1278 or she receives a certified elevator professional license. The
1279 division shall deem qualified and issue a certificate of
1280 competency to any natural person who pays a nonrefundable fee of
1281 \$50 and meets the following requirements:

1282 (a) A licensed mechanical engineer whose license is in good
1283 standing;

1284 (b) Proof of completion and successful passage of a written
1285 examination administered by the division or a provider approved
1286 by the division under standards adopted by rule; or

1287 (c) Licensure or certification by a state or local
1288 jurisdiction in the United States having standards substantially
1289 equal to or more stringent than those in this chapter; and

1290 1. Four years of nonsupervisory industry work experience
1291 physically performing the construction, installation,
1292 maintenance, and repair of conveyances covered by this chapter
1293 and verified by current or previously registered elevator
1294 companies, as required by the division; or

1295 2. Proof of completion of an apprenticeship program for
1296 elevator mechanics which has standards substantially equivalent
1297 to the standards of a national training program for elevator
1298 mechanics and registration with the Bureau of Apprenticeship and
1299 Training of the United States Department of Labor or a state
1300 apprenticeship authority.

1301 (2) CERTIFIED ELEVATOR PROFESSIONAL LICENSURE.—

1302 (a) Certified elevator technician.—Each natural person must
1303 apply for and obtain a license from the division before
1304 commencing the duties of a certified elevator technician. The
1305 division shall deem qualified and issue a certified elevator

580-04108-09

20091332c1

1306 technician license to any person who:

1307 1. Holds a valid certificate of competency issued by the
1308 division;

1309 2. Provides proof of general liability insurance coverage
1310 in the minimum amounts set by rule by the division; and

1311 3. Pays a nonrefundable fee of \$50.

1312 (b) Certified elevator inspector.—Each natural person must
1313 apply for and obtain a license from the division before
1314 commencing the duties of a certified elevator inspector. The
1315 division shall deem qualified and issue a certified elevator
1316 inspector license to any person who:

1317 1. Holds a valid certificate of competency issued by the
1318 division;

1319 2. Provides proof of a properly acquired and valid
1320 qualified elevator inspector credential as prescribed by the
1321 American Society of Mechanical Engineers;

1322 3. Provides proof of general liability insurance coverage
1323 in the minimum amounts set by rule by the division; and

1324 4. Pays a nonrefundable fee of \$50.

1325 (3) CERTIFIED ELEVATOR COMPANIES.—An elevator company must
1326 register each year with and be certified by the division before
1327 constructing, installing, inspecting, maintaining, and repairing
1328 any conveyance under this chapter. The division shall deem
1329 qualified and issue an elevator company certification to any
1330 elevator company that:

1331 1. Provides proof of employment of a natural person who
1332 holds a certificate of competency issued by the division;

1333 2. Maintains and provides proof of general liability
1334 insurance coverage in the minimum amounts set by rule by the

580-04108-09

20091332c1

1335 division; and

1336 3. Pays a nonrefundable fee of \$50.

1337 (4) REFUSAL TO ISSUE.—The division may refuse to issue a
1338 new or renewal certificate of competency, certified elevator
1339 professional license, or elevator company certification to any
1340 person who does not meet the requirements in this section or who
1341 has violated the provisions in this chapter or the rules adopted
1342 under this chapter.

1343 (5) RENEWAL.—Each license and certification is valid for
1344 and expires at the end of 1 year and may be renewed by the
1345 division when the division receives the materials required for
1346 qualification as provided in this section and a nonrefundable
1347 fee of \$50.

1348 (a) In addition to the materials required for
1349 qualification, each certificate of competency holder shall
1350 provide proof of:

1351 1. Completion of 8 hours of continuing education; and
1352 2. General liability insurance coverage in the minimum
1353 amounts set by the division.

1354 (b) Each certified elevator inspector shall provide proof
1355 that his or her national credential remains in good standing.

1356 (c) The department shall adopt rules establishing criteria
1357 for providing approval and procedures for reporting continuing
1358 education.

1359 (6) ELEVATOR HELPERS AND MECHANICS.—

1360 (a) Elevator personnel who have not yet obtained a license
1361 may train as or perform work as an elevator helper under the
1362 direct supervision of a certified elevator technician, who must
1363 also be licensed as a certificate of competency holder, to

580-04108-09

20091332c1

1364 construct, install, maintain, and repair any conveyance. The
1365 elevator helper shall be a listed employee of the certified
1366 elevator company as prescribed by rule by the division.

1367 (b) Elevator personnel who have not yet obtained a license
1368 may train as or perform work as an elevator mechanic to
1369 construct, install, maintain, and repair elevators after
1370 successfully completing a formal 4-year apprenticeship training
1371 program and passing a mechanics exam to receive the designation
1372 of elevator mechanic.

1373 (7) FEES.—Fees collected under this section shall be
1374 deposited into the Hotel and Restaurant Trust Fund.

1375 Section 19. Section 399.17, Florida Statutes, is created to
1376 read:

1377 399.17 Citations for unlicensed activity; prohibitions;
1378 penalties.—

1379 (1) A person may not:

1380 (a) Falsely hold himself or herself or a business
1381 organization out as a licensee or certified elevator
1382 professional;

1383 (b) Present as his or her own the certificate, license, or
1384 certificate of operation of another;

1385 (c) Knowingly give false or forged evidence to the
1386 division, bureau, council, or a member thereof;

1387 (d) Use or attempt to use a license, certificate of
1388 competency, or certificate of operation which has expired, been
1389 suspended, or been revoked;

1390 (e) Operate a business organization engaged in the
1391 construction, installation, inspection, maintenance,
1392 replacement, repair, and service of conveyances after the

580-04108-09

20091332c1

1393 termination, suspension, or revocation of its only certified
1394 elevator professional without designating another primary
1395 certified elevator professional;

1396 (f) Commence or perform work for which a permit or
1397 certification is required and not in effect; or

1398 (g) Operate under an expired, suspended, or revoked license
1399 or certificate of competency, registration, permit, or
1400 certificate of operation.

1401 (2) Any unlicensed person or business organization who
1402 violates any of the provisions in this section commits a
1403 misdemeanor, punishable as provided in s. 399.11.

1404 (3) The department may issue a stop-work order for all
1405 unlicensed work on a project upon a finding of probable cause
1406 that a construction requiring a permit, certificate, or license
1407 is being performed without a current and valid permit,
1408 certificate, or license. Stop-work orders may be enforced using
1409 any cease and desist order or other related action by the
1410 department.

1411 (4) A state elevator inspector may issue a citation for any
1412 violation of this section if he or she, based upon a personal
1413 investigation, has reasonable and probable grounds to believe
1414 that such a violation has occurred.

1415 (a) A citation issued by a state elevator inspector shall
1416 be in a form prescribed by rule by the division and shall
1417 contain:

1418 1. The time and date of issuance.

1419 2. The professional license number, conveyance license
1420 number, or conveyance serial number, if available.

1421 3. The time and date of the violation.

580-04108-09

20091332c1

1422 4. The name and address of the person to whom the citation
1423 is issued.

1424 5. A brief description of the violation and the facts
1425 constituting reasonable and probable cause.

1426 6. The name of the state elevator inspector issuing the
1427 citation.

1428 7. The procedure for the person to follow in order to pay
1429 the civil penalty or to contest the citation.

1430 8. The applicable civil penalty if the person elects not to
1431 contest the citation.

1432 (b) The division may cite unlicensed owners, unlicensed
1433 elevator personnel, and uncertified elevator companies under
1434 this section and may establish procedures for implementing this
1435 section, including a schedule of penalties.

1436 (c) The act for which the citation is issued shall cease
1437 upon receipt of the citation and the person who receives the
1438 citation must correct the violation and respond to the civil
1439 penalty in the manner indicated on the citation or, within 21
1440 days after receiving the citation, exclusive of weekends and
1441 legal holidays, request an administrative hearing.

1442 1. The division or the Division of Administrative Hearings
1443 shall hold hearings conducted pursuant to chapter 120.

1444 2. The failure to file a written request for an
1445 administrative hearing which complies with s. 120.569 regarding
1446 the citation within the 21-day time period set forth in this
1447 paragraph constitutes a waiver of the person's right to request
1448 an administrative hearing. A waiver of the right to request an
1449 administrative hearing shall be deemed an admission of the
1450 violation and penalties may be imposed accordingly.

580-04108-09

20091332c1

1451 3. If the person issued the citation, or his or her
1452 designated representative, shows that the citation is invalid or
1453 that the violation has been corrected before an administrative
1454 hearing, the division may dismiss the citation unless the
1455 violation is irreparable or irreversible.

1456 4. Each day that a violation knowingly and willfully
1457 continues constitutes a separate offense.

1458 (d) If the administrative hearing results in a finding that
1459 a violation exists, the division or administrative law judge may
1460 order the violator to pay a civil penalty of not less than the
1461 amount set forth on the citation, but not more than \$1,000 per
1462 day for each violation. In determining the amount of the
1463 penalty, the division or administrative law judge, shall
1464 consider:

1465 1. The gravity of the violation.

1466 2. Any actions taken by the violator to correct the
1467 violation.

1468 3. Any previous violations committed by the violator.

1469 (e) If the violator has not contested the citation or paid
1470 the civil penalty within the timeframe provided in the citation,
1471 the division shall enter a final order requiring the violator to
1472 pay the civil penalty provided in the citation. A hearing is not
1473 required for the issuance of such final order.

1474 (f) An aggrieved party may appeal a final order issued by
1475 the division in accordance with s. 120.68. All notices and
1476 administrative proceedings required in this section shall be
1477 provided to the alleged violator by certified mail, return
1478 receipt requested, or by hand delivery by the state elevator
1479 inspector.

580-04108-09

20091332c1

1480 (g) Any person who willfully refuses to sign and accept a
1481 citation issued by a state elevator inspector commits a
1482 misdemeanor of the second degree, punishable as provided in s.
1483 775.082 or s. 775.083.

1484 (h) This section does not prohibit a county or municipality
1485 from enforcing its codes or ordinances by other means.

1486 (i) This section does not authorize local jurisdictions to
1487 exercise disciplinary authority or procedures established in
1488 this section against an individual.

1489 (5) The citation must be issued to the owner of the
1490 unlicensed conveyance or to a natural person who violates the
1491 provisions in subsection (1).

1492 (6) The remedies set forth in this section are not
1493 exclusive and may be imposed in addition to the remedies set
1494 forth in this chapter.

1495 Section 20. Section 399.18, Florida Statutes, is created to
1496 read:

1497 399.18 Certified elevator professionals; duties and
1498 requirements.—Certified elevator professionals shall comply with
1499 the duties and requirements in this section in addition to the
1500 duties and requirements in this chapter.

1501 (1) Certified elevator professionals shall directly
1502 supervise elevator helpers performing the procedures to which
1503 the elevator helper is assigned.

1504 (2) Certified elevator inspectors shall:

1505 (a) Inspect conveyances or witness periodic tests in
1506 accordance with this chapter and the rules adopted hereunder,
1507 the Florida Building Code, the latest edition of ASME A17.2
1508 Guide for Inspection of Elevators, Escalators and Moving Walks,

580-04108-09

20091332c1

1509 and ASME QEI-1 standards, including the national code of
1510 conduct.

1511 (b) Submit to the department, in a format approved by the
1512 division, the original inspection report, signed by the
1513 inspector and the owner.

1514 (c) Provide the certificate of operation holder with a copy
1515 of the elevator inspection report within 5 days after the date
1516 of inspection. A copy of the inspection report shall be retained
1517 for quality assurance review or other inspection-related
1518 requests as provided by rule.

1519 (3) Private elevator inspectors shall:

1520 (a) Respond to the department upon any finding of omissions
1521 or errors on the elevator inspection report and shall submit a
1522 corrected inspection report in a timely manner as prescribed by
1523 rule.

1524 (b) Perform initial or acceptance inspections for
1525 satisfactory compliance with minimum code requirements before
1526 the conveyance is turned over to the owner for use by the
1527 general public.

1528 (4) State elevator inspectors shall:

1529 (a) Monitor and oversee any licenseholder or certificate of
1530 operation holder by conducting periodic inspections and
1531 activities.

1532 (b) Periodically provide reviews for quality assurance by
1533 conducting a physical examination or related compliance
1534 activities for conveyance inspections and tests performed by a
1535 private elevator inspector, on behalf of the division in
1536 accordance with this chapter.

1537 (c) Provide oversight or the regulatory supervision of

580-04108-09

20091332c1

1538 application and permit issuance by the department for elevator
1539 construction, installation, inspection, maintenance, repairs,
1540 and service, and ensure code compliance by elevator companies
1541 and employed personnel working on conveyances to ensure the
1542 health, safety, and welfare of the riding public in accordance
1543 with the Florida Building Code and this chapter.

1544 (5) Certified elevator inspectors employed by a
1545 municipality or county under contract with the division may not
1546 construct, install, maintain, repair, or perform inspections
1547 other than in the performance of official duties for the
1548 municipality or county on any elevator or conveyance located
1549 within the employing municipality or county.

1550 (6) Private elevator inspectors may conduct annual safety
1551 inspections and witness periodic tests on behalf of owners.

1552 (7) Certified elevator inspectors may not have a conflict
1553 of interest with the owner, or with the certified elevator
1554 company that constructed, installed, maintained, or repaired the
1555 conveyance. The certified elevator inspector shall maintain
1556 professional conduct in accordance with rules adopted by the
1557 division, the Florida Building Code, and the latest edition of
1558 the ASME QEI-1 standards.

1559 Section 21. Section 399.19, Florida Statutes, is created to
1560 read:

1561 399.19 Owners; duties and requirements.—Owners shall comply
1562 with the duties and requirements in this section in addition to
1563 the duties and requirements in this chapter.

1564 (1) The owner shall assist the department or its agents by
1565 allowing access to the conveyance, machinery rooms and spaces,
1566 and maintenance records at any reasonable time for the purpose

580-04108-09

20091332c1

1567 of enforcing this chapter.

1568 (2) The owner shall provide safe operation, proper
1569 maintenance, and inspection and correction of code deficiencies
1570 of the conveyance after a certificate of operation has been
1571 issued by the department. The owner shall annually renew the
1572 certificate of operation before the current certificate of
1573 operation expires.

1574 (3) The owner shall forward to the department, in an
1575 electronic format approved by the department, a regional
1576 emergency access notification that compliance measures are not
1577 required or are being implemented. The regional emergency access
1578 notification must also contain specific compliance information,
1579 including the current compliance status, specific measures
1580 required to attain compliance, and certification by a certified
1581 elevator inspector. Fees may not be assessed for the filing of
1582 the regional emergency access notification.

1583 (4) The owner shall provide to the division the owner's
1584 name, address, city, state, and contact information for each
1585 licensed conveyance.

1586 (5) The owner shall sign the inspection report after the
1587 inspection by a certified elevator inspector is completed.

1588 Section 22. Section 399.20, Florida Statutes, is created to
1589 read:

1590 399.20 Enforcement; municipal and county officers to
1591 assist.—Any state or county attorney, sheriff, police officer,
1592 and any other appropriate municipal and county official shall,
1593 upon request, assist the division or any of its agents in the
1594 enforcement of this chapter.

1595 Section 23. Section 553.509, Florida Statutes, is amended

580-04108-09

20091332c1

1596 to read:

1597 553.509 Vertical accessibility.—

1598 ~~(1)~~ Sections ~~Nothing in ss.~~ 553.501-553.513 or the
1599 guidelines do not ~~shall be construed to~~ relieve the owner of any
1600 building, structure, or facility governed by those sections from
1601 the duty to provide vertical accessibility to all levels above
1602 and below the occupiable grade level, regardless of whether the
1603 guidelines require an elevator to be installed in such building,
1604 structure, or facility, except for:

1605 (1) ~~(a)~~ Elevator pits, elevator penthouses, mechanical
1606 rooms, piping or equipment catwalks, and automobile lubrication
1607 and maintenance pits and platforms;

1608 (2) ~~(b)~~ Unoccupiable spaces, such as rooms, enclosed spaces,
1609 and storage spaces that are not designed for human occupancy,
1610 for public accommodations, or for work areas; and

1611 (3) ~~(c)~~ Occupiable spaces and rooms that are not open to the
1612 public and that house no more than five persons, including, but
1613 not limited to, equipment control rooms and projection booths.

1614 ~~(2) (a) Any person, firm, or corporation that owns, manages,~~
1615 ~~or operates a residential multifamily dwelling, including a~~
1616 ~~condominium, that is at least 75 feet high and contains a public~~
1617 ~~elevator, as described in s. 399.035(2) and (3) and rules~~
1618 ~~adopted by the Florida Building Commission, shall have at least~~
1619 ~~one public elevator that is capable of operating on an alternate~~
1620 ~~power source for emergency purposes. Alternate power shall be~~
1621 ~~available for the purpose of allowing all residents access for a~~
1622 ~~specified number of hours each day over a 5-day period following~~
1623 ~~a natural disaster, manmade disaster, emergency, or other civil~~
1624 ~~disturbance that disrupts the normal supply of electricity. The~~

580-04108-09

20091332c1

1625 ~~alternate power source that controls elevator operations must~~
1626 ~~also be capable of powering any connected fire alarm system in~~
1627 ~~the building.~~

1628 ~~(b) At a minimum, the elevator must be appropriately~~
1629 ~~prewired and prepared to accept an alternate power source and~~
1630 ~~must have a connection on the line side of the main disconnect,~~
1631 ~~pursuant to National Electric Code Handbook, Article 700. In~~
1632 ~~addition to the required power source for the elevator and~~
1633 ~~connected fire alarm system in the building, the alternate power~~
1634 ~~supply must be sufficient to provide emergency lighting to the~~
1635 ~~interior lobbies, hallways, and other portions of the building~~
1636 ~~used by the public. Residential multifamily dwellings must have~~
1637 ~~an available generator and fuel source on the property or have~~
1638 ~~proof of a current contract posted in the elevator machine room~~
1639 ~~or other place conspicuous to the elevator inspector affirming a~~
1640 ~~current guaranteed service contract for such equipment and fuel~~
1641 ~~source to operate the elevator on an on-call basis within 24~~
1642 ~~hours after a request. By December 31, 2006, any person, firm or~~
1643 ~~corporation that owns, manages, or operates a residential~~
1644 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
1645 ~~the local building inspection agency verification of engineering~~
1646 ~~plans for residential multifamily dwellings that provide for the~~
1647 ~~capability to generate power by alternate means. Compliance with~~
1648 ~~installation requirements and operational capability~~
1649 ~~requirements must be verified by local building inspectors and~~
1650 ~~reported to the county emergency management agency by December~~
1651 ~~31, 2007.~~

1652 ~~(c) Each newly constructed residential multifamily~~
1653 ~~dwelling, including a condominium, that is at least 75 feet high~~

580-04108-09

20091332c1

1654 ~~and contains a public elevator, as described in s. 399.035(2)~~
1655 ~~and (3) and rules adopted by the Florida Building Commission,~~
1656 ~~must have at least one public elevator that is capable of~~
1657 ~~operating on an alternate power source for the purpose of~~
1658 ~~allowing all residents access for a specified number of hours~~
1659 ~~each day over a 5-day period following a natural disaster,~~
1660 ~~manmade disaster, emergency, or other civil disturbance that~~
1661 ~~disrupts the normal supply of electricity. The alternate power~~
1662 ~~source that controls elevator operations must be capable of~~
1663 ~~powering any connected fire alarm system in the building. In~~
1664 ~~addition to the required power source for the elevator and~~
1665 ~~connected fire alarm system, the alternate power supply must be~~
1666 ~~sufficient to provide emergency lighting to the interior~~
1667 ~~lobbies, hallways, and other portions of the building used by~~
1668 ~~the public. Engineering plans and verification of operational~~
1669 ~~capability must be provided by the local building inspector to~~
1670 ~~the county emergency management agency before occupancy of the~~
1671 ~~newly constructed building.~~

1672 ~~(d) Each person, firm, or corporation that is required to~~
1673 ~~maintain an alternate power source under this subsection shall~~
1674 ~~maintain a written emergency operations plan that details the~~
1675 ~~sequence of operations before, during, and after a natural or~~
1676 ~~manmade disaster or other emergency situation. The plan must~~
1677 ~~include, at a minimum, a lifesafety plan for evacuation,~~
1678 ~~maintenance of the electrical and lighting supply, and~~
1679 ~~provisions for the health, safety, and welfare of the residents.~~
1680 ~~In addition, the owner, manager, or operator of the residential~~
1681 ~~multifamily dwelling must keep written records of any contracts~~
1682 ~~for alternative power generation equipment. Also, quarterly~~

580-04108-09

20091332c1

1683 ~~inspection records of lifesafety equipment and alternate power~~
1684 ~~generation equipment must be posted in the elevator machine room~~
1685 ~~or other place conspicuous to the elevator inspector, which~~
1686 ~~confirm that such equipment is properly maintained and in good~~
1687 ~~working condition, and copies of contracts for alternate power~~
1688 ~~generation equipment shall be maintained on site for~~
1689 ~~verification. The written emergency operations plan and~~
1690 ~~inspection records shall also be open for periodic inspection by~~
1691 ~~local and state government agencies as deemed necessary. The~~
1692 ~~owner or operator must keep a generator key in a lockbox posted~~
1693 ~~at or near any installed generator unit.~~

1694 ~~(e) Multistory affordable residential dwellings for persons~~
1695 ~~age 62 and older that are financed or insured by the United~~
1696 ~~States Department of Housing and Urban Development must make~~
1697 ~~every effort to obtain grant funding from the Federal Government~~
1698 ~~or the Florida Housing Finance Corporation to comply with this~~
1699 ~~subsection. If an owner of such a residential dwelling cannot~~
1700 ~~comply with the requirements of this subsection, the owner must~~
1701 ~~develop a plan with the local emergency management agency to~~
1702 ~~ensure that residents are evacuated to a place of safety in the~~
1703 ~~event of a power outage resulting from a natural or manmade~~
1704 ~~disaster or other emergency situation that disrupts the normal~~
1705 ~~supply of electricity for an extended period of time. A place of~~
1706 ~~safety may include, but is not limited to, relocation to an~~
1707 ~~alternative site within the building or evacuation to a local~~
1708 ~~shelter.~~

1709 ~~(f) As a part of the annual elevator inspection required~~
1710 ~~under s. 399.061, certified elevator inspectors shall confirm~~
1711 ~~that all installed generators required by this chapter are in~~

580-04108-09

20091332c1

1712 ~~working order, have current inspection records posted in the~~
1713 ~~elevator machine room or other place conspicuous to the elevator~~
1714 ~~inspector, and that the required generator key is present in the~~
1715 ~~lockbox posted at or near the installed generator. If a building~~
1716 ~~does not have an installed generator, the inspector shall~~
1717 ~~confirm that the appropriate rewiring and switching~~
1718 ~~capabilities are present and that a statement is posted in the~~
1719 ~~elevator machine room or other place conspicuous to the elevator~~
1720 ~~inspector affirming a current guaranteed contract exists for~~
1721 ~~contingent services for alternate power is current for the~~
1722 ~~operating period.~~

1723

1724 However, buildings, structures, and facilities must, at ~~as~~ a
1725 minimum, comply with the requirements in the Americans with
1726 Disabilities Act Accessibility Guidelines.

1727

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