

**FLORIDA DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION**

MEETING OF THE

ELEVATOR SAFETY TECHNICAL ADVISORY COUNCIL

Wednesday, February 1, 2023

COMMENCING AT 9:00 AM

HELD AT:

VIA TELECONFERENCE

REPORTED BY:

Clara C. Rotruck, For the Record Reporting, Inc.

CALL TO ORDER

The Elevator Safety Technical Advisory Council meeting was called to order on February 1, 2023 by William Snyder, Vice Chair.

Members Present

Vacant, Chair

William Snyder, Vice Chair

Dale Deleacaes

Douglas Kai

Stephen LaRocca

David Alekna

Members Not Present

Abel Arabitg

Others Present

Josh Phillips, Chief, Bureau of Elevator Safety

Kela Bishop, Deputy Bureau Chief, Bureau of Elevator Safety

Brendan Dougherty, Deputy Director, Division of Hotels and Restaurants

Ryan Pace, Government Operations Consultant, Bureau of Elevator Safety

Madison McLeland, Law Clerk, Office of General Counsel

Alan Hutto, State Inspector, Bureau of Elevator Safety

John Hofbauer, State Inspector, Bureau of Elevator Safety

Michael Garcia, State Inspector, Bureau of Elevator Safety

Lawrence Taylor, Schindler Elevator

Nick Ortiz, Miami-Dade County

Lee Rigby, Elevator Safety and Technical Services

Chip Tatum, Florida Apartment Association

Amanda White, Florida Apartment Association

Tosha Davila, Office of Customer and Government Relation, Division of Hotels and Restaurants
Kasimira Kelly, Compliance Officer, Office of Customer and Government Relation, Division of
Hotels and Restaurants

Inaudible name, Florida Apartment Association

Russ Larson, Otis Elevator

THE MEETING WAS OPENED WITH A ROLL CALL AND A QUORUM WAS ESTABLISHED.

Statement of Purpose- Kela Bishop, Deputy Bureau Chief, Bureau of Elevator Safety

Mrs. Bishop read the standard purpose and role of the ESTAC as specified in Florida Statute.

Mr. Snyder acknowledged guests in attendance and called for changes and acceptance of minutes for the July 27, 2022 meeting.

MOTION: Mr. Deleacaes made a motion to accept the minutes.

SECOND: Mr. Kai seconded the motion and it passed unanimously.

Bureau of Elevator Safety Report- Josh Phillips, Bureau Chief

Chief Phillips reported on the Bureau of Elevator Safety is fully staffed and looking to add an additional inspector to the Leon County and surrounding areas.

Administrative Update:

Chief Phillips reported as of this morning, the bureau had 63,482 conveyances licensed, with 89.1 percent having a current license. Chief Phillips further stated that, 83.3 percent of the state's Certified Elevator Inspectors who submitted inspection reports during the fiscal year received oversight monitoring.

Rule Report:

Chief Phillips stated the bureau is working on the formal adoption of the accident report form and defining the term accident. Chief Phillips stated these are posted and everybody is free to review and comment. He further stated the Bureau sent an email introducing rule language for

key box requirements. The MCP rule at this point has been put on hold. Chief Phillips further stated the Bureau is in favor of alternative testing and potential licensure requirements.

Legislative Session:

Chief Phillips gave a legislative update, stating the Bureau is looking to do a formal legislative statute and rule proposal for this next session that is upcoming. Chief Phillips stated he does not have anything formal at this time and some of the bullet points are addressing residential elevators and having those properly inspected on the initial acceptance inspection by a licensed Florida CEI. Look to remove the two-stop exemption on a permanent basis which would also eliminate the requirement for the service maintenance contract.

Chief Phillips further stated the Bureau is looking to remove a specific size requirement for the first responder stretcher and what the Bureau would do is simply have it reference whatever is required in the current adopted Building Code. The Bureau is going to look at clearing up some language regarding alterations and permits, and some language changes to what is defining the temporary use of an elevator, defining what the term variance means and what the term waiver means, and potentially also requesting to increase fine amounts.

Chief Phillips concluded by asking council members should the four years of work experience or mechanical engineer be clearly defined as within the United States and its territories, or are we willing to accept those from other countries such as Canada.

Mr. Snyder stated that he is glad to see some rule language moving along especially the key box. Mr. Snyder further stated that he had a couple of companies ask him when they are going to be permitted to do alternative testing. Mr. Snyder asked if a company wanted to do that what do they need to do? Request authorization from the State to go ahead and do it?

Chief Phillips stated he and Mrs. Bishop were looking to get some rule language in effect and mirror what a continuing education provider requires, or give them the same kind of credential as a continuing education provider. They would need to present to the Bureau training material to be approved. The Bureau would look into having an additional license for those individuals

who complete the training. Chief Phillips further stated the companies can email the Bureau at dh.elevators@myfloridalicense.com with any questions.

Industry Update

Building Design Professional: Vacant.

Public: Vacant.

Labor: Represented by Abel Arabitg. Not present.

Local Government: Represented by Dale Deleacaes. Mr. Deleacaes stated locally they are considering a municipal ordinance to discuss language for monitoring and their protocol or lack thereof to notify emergency services in the event of a trapped person. Mr. Deleacaes stated they found many that were not being monitored and the ones that are being monitored were failing to act in the best interest of the entrapped person, their only response was they were going to reach out to a technician. Mr. Deleacaes further stated the City Council is looking at enacting an ordinance that would require monitoring agencies to notify local fire and rescue. There was further discussion regarding authorized personnel notification requirements in emergency situations and the requirements of A17.1.

Manufacturing: Represented by Douglas Kai. Mr. Kai stated he wanted to bring up a concern and then a question. Mr. Kai stated the concern is that a large percentage of customers have not pulled the trigger on DLM and come the end of the year some will not have met the requirement. Mr. Kai asked what is the State's position and will there be an extension? Deputy Chief Bishop stated there was a three-year implementation period for the requirement of door lock monitoring and effective December 31, 2023 all riding conveyances in the State of Florida, including those located within the Contracted Jurisdictions must be in compliance with the door lock monitoring requirement. Deputy Chief Bishop further stated that the Bureau has not met about this issue as

to saying we will time extend it. The rule was adopted March of 2021, and therefore everyone is expected to be in compliance by December 31, 2023.

Chief Philips stated as far as that is concerned, we would look for third party inspectors to cite that as a violation and our inspectors, state monitors will be citing that as a violation and we will follow through with the normal course of administrative action. Chief Phillips further stated that they get 90 days to correct the issue and upon our second visit, on or after the 90 days if they have not complied we will begin an administrative complaint action and fines to follow.

Private Inspections: Represented by William Snyder. Mr. Snyder stated a lot of inspections are trying to take a look at door lock monitoring and sometimes it's a little problematic because they don't see the procedures how to test it or how to verify it properly. Each manufacturer they can be a little bit different. Mr. Snyder further stated that he would have to push back a little bit and say this is part of on-site documentation/ MCP requirements that need to be out there. Mr. Snyder stated that he advised inspectors to write it up as a violation as this is one way to start it.

Elevator Service Companies: Represented by David Alekna. Not present during this portion of the meeting.

Building Owners and Managers: Represented by Stephen LaRocca. Mr. LaRocca stated his question follows through with the earlier questions pertaining to door lock monitoring and it falls on the hydro side. Mr. LaRocca asked if the hydro's fall in line with the traction elevators through this whole process in terms of timeframe? Chief Phillips stated yes and we did put that out at the beginning that hydro's and tractions are all included in door lock monitoring requirements.

Old Business

Key Boxes

Chief Phillips stated the bureau is going to go ahead and start writing the rule language based on the point papers and discussions that were had on several of the previous ESTAC

conference calls and emailed to the Council. Mr. Snyder stated that he will provide comments in writing and encouraged other Council members to provide comments.

MCP document location

On hold to focus on key box rule language.

Alternative Testing

Mr. Snyder stated that we have commented to that at this meeting and previous ones.

Tags and Records

Mr. Snyder stated an Industry Bulletin was issued on that and asked if much feedback from that bulletin was received industry owners or anyone? Chief Phillips stated we have not.

New Business

Statue and Rule changes

Chief Phillip stated he wanted to cover some of the big target items that the Bureau is looking at. Chief Phillips states the Bureau will be looking at changing some words of shall to must. Just doing a few tweaks to some language.

Machine space vs Electrical spaces for disconnects

Chief Phillips stated that this issue had come up in a past ESTAC meeting regarding where these remote disconnects will be located and it was approved to be, it could be considered an electrical room rather than an elevator machine space. Chief Phillips stated the problem is as you have seen from the pictures and prior meetings manufacturers have taken that decision and have decided that they can put these remote disconnects wherever they can find space. Chief Phillips stated the problem with that is in many of the locations that a few of our ten inspectors have uncovered are in break rooms, near ice machines, and in elevator lobbies areas available to the general public. So, it is not our contention to go back and say you can't put it in an electrical space. Chief Phillips stated the Bureau wants the Council to assist with is how do we get these disconnects in a protected location as described in code. Chief Phillips asked Alan

Hutto if he had anything to add to his comments. Mr. Hutto stated this is not about what happened prior, but about the results of the decision that was made. Mr. Hutto stated we have problems where there are disconnects on separate floors and by that the cab lighting will be on one and the one to the elevator would be on the other by the ice machine, above the ceiling panels with signs pointing in that direction and in lobbies. Mr. Hutto stated we just need to do something about it.

Mr. Snyder stated that he received the document late yesterday and did not review it in great detail. Mr. Snyder stated that he has some concerns with a number of sections in it but as he looks at the pictures he sees disconnects up at the ceiling. Not a drop ceiling, at the ceiling in a landing and that has never been permitted by code and is not permitted by code. Mr. Snyder stated it's a violation. There was further discussion about the disconnect location such as the legality, citing as a violation, finding a solution to the issue such as the appropriate location and addressing existing situations to prevent injury or death.

Mr. Snyder stated that he would work with the Bureau to put together an industry bulletin addressing the issue. Chief Phillips stated he welcomes the assistance from the Council and any outside individuals to help put together a solid industry bulletin on this topic.

Alterations Summary, notes 8.6, notes 8.6 tests, MCP requirements

Mr. Alekna stated he had just joined the call and joined in during the middle of the machine space vs electrical spaces for disconnects. Mr. Alekna stated that there must be some sort of change to require permits for anything that required testing within Section eight of the code. Mr. Alekna stated that he went through the code and an alteration is defined by anything that requires a test in Section eight would be a big mistake to whoever made the decision. Mr. Alekna stated two things that just blared out to him as examples is that it says after you use the jumper the equipment shall be tested. It says after you paint the equipment it is to be tested. So, there is that blanket standard of a requirement for when testing is called for to be defined as an

alteration. Mr. Alekna stated he thinks would just add to a lot of confusion and he started to look at it more and more and put together a little paper about it.

Mr. Alekna provided details of his research of the code for this topic and stated his conclusion that he had come to kind of tied into the portion about the MCP and the need for on-site documentation. Mr. Alekna further discussed on-site documentation requirements, replacements that are deemed alterations and testing requirements.

Mr. Snyder asked Mr. Alekna if the items he discussed were part of the document provided for the meeting material. Mr. Alekna replied, yes. Mr. Snyder stated that was not with any of the meeting material. Chief Phillips stated that it was his mistake as he failed to send the document out to everybody.

Mr. Snyder asked if there were any comments from Council members on Mr. Alekna's analysis. Mr. Ortiz stated that he might have clarification on part of that if he has permission to speak. Mr. Snyder acknowledged Mr. Ortiz.

Mr. Ortiz stated in regards to the alteration testing issue that Mr. Alekna is referring to there may be some confusion. Mr. Ortiz stated the Florida Building Code requires a permit for anything that is not an alteration, repair, replacement that otherwise requires testing. Mr. Ortiz further stated from his understanding it still would not be considered an alteration. It would not trigger any other requirements, any other upgrades, but it does require a permit so that testing is witnessed.

Mr. Hutto stated he agrees with Mr. Ortiz. Mr. Hutto further stated the section in Florida Building Code reads where it is required, an inspection is required, testing is required or an independent witnessing. There was further discussion regarding witnessing test and code requirements.

Mr. Snyder stated without getting the document it is really hard to see where the next steps should be for this. Mr. Snyder recommended this be put on the agenda for the next meeting and hopefully by then members will have been able to review the document and provide comments.

Open Forum

Mr. Snyder stated we have pretty much had an open forum on the meeting. Mr. Snyder asked each Council member if they had anything else to add and Mr. Alekna stated maintain a focus on the on-site records for the MCP.

Upcoming Meetings

The next meeting was tentatively scheduled with a proposed date of June 5th, 6th or 7th in person.

ADJOURNMENT: There being no further business to come before the Committee, the meeting was adjourned at 10:49 a.m.