

**Division of Hotels and Restaurants
 Bureau of Elevator Safety
 DISCIPLINARY CITATION AND STOP WORK ORDER**

<u>DATE OF COMPLAINT</u>	<u>DBPR COMPLAINT NUMBER</u>	<u>LICENSE NUMBER (if available)</u>
ISSUED TO: _____ (Subject Name)	D.B.A.: _____ (if applicable)	
_____ (Subject's Address)	_____ (Business Address)	
_____ (City/State/Zip)	_____ (City/State/Zip)	
_____ (Telephone Number)	_____ (Date of Birth)	_____ (Business Phone Number)

On the ____ day of _____, 20____, pursuant to Section 399.16 Florida Statutes (FS), the undersigned hereby certifies that he/she has probable cause to believe that the subject cited the following provision(s) of law by committing the following act(s): (See other side for reference to law(s) cited)

<input type="checkbox"/> 399.03(1), FS: Erecting, constructing, installing, altering or relocating an elevator without obtaining a permit	<input type="checkbox"/> 399.01(1), FS: Employing persons to construct, install, inspect, maintain, or repair any vertical conveyance without a license
<input type="checkbox"/> 399.03(10), FS: Temporary use of an elevator without a temporary operating permit	<input type="checkbox"/> 399.04(4), FS: Working without a current certified elevator technician credential
<input type="checkbox"/> 399.17, FS: Inspecting without a current certified elevator inspector license	<input type="checkbox"/> 399.07(1), FS: Operation an elevator without a valid certificate of operation

Location of Offense: _____
 Description of Offense: _____

In accordance with Rule 61C-5.022 Florida Administrative Code, the following penalty is imposed for violation of the aforesaid provision: \$250 \$500 \$1,000

STOP WORK ORDER: You are hereby ordered to stop work at the above location until any required permit or license has been obtained from the Bureau of Elevator Safety.

ISSUED this ____ day of _____, 20____ and was () personally served or () sent by Certified US Mail, Restricted Delivery, receipt number _____, to:

 (Name) (Address)

Issued by: _____ (Division Representative Signature) _____ (Print Name)

Received by: _____ (Signature) Refused to Sign

Print Name: _____ Date: ____/____/____

ELECTION OF RIGHTS – CHECK ONLY ONE (1) OF THE FOLLOWING BOXES:

- 1. Settlement:** I accept the fine and agree to correct the violation within 90 days of the date of service.
- 2. Informal Hearing:** I do not accept the fine. Before any fine is imposed, I request a hearing to submit evidence in mitigation according to Section 120.57(2), FS. I do not dispute the allegation listed above.
- 3. Formal Hearing:** I do not accept the fine. I dispute the alleged violation. I request a hearing according to Sections 120.569(2)(a) and 120.57(1), FS, before an Administrative Law Judge.

Signature (Subject or Authorized Representative) Print Name and Title Date Signed

Mailing Address (where hearing notice should be sent) City State Zip

Telephone Number (to be used for contact) Fax Email

READ OTHER SIDE FOR EXPLANATION OF RIGHTS AND MAILING INSTRUCTIONS

EXPLANATION OF RIGHTS AND MAILING INSTRUCTIONS

In order to preserve your legal rights in this matter, you must complete the Election of Rights section stating whether you accept the settlement offer or request a hearing and return the pink copy of the citation **to the following address: Department of Business and Professional Regulation, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013**. You can only select ONE of the three options under the Election of Rights section. The section must be properly completed, signed and received by the settlement officer within thirty (30) days after the date you are served the Disciplinary Citation. If the Division does not receive your Election of Rights within thirty (30) days after the date of service, it will be considered a waiver of your right to elect any form of hearing and the citation will automatically become a Final Order imposing a fine.

The Election of Rights is a legally binding document. Please read the citation before choosing one of the three options. Contact the Bureau of Elevator Safety Settlement Officer at (850)488-1133 or ahr.elevators@myfloridalicense.com if you have any questions regarding the disciplinary citation process. Settlement officers are not authorized to provide legal advice. Consult an attorney if you do not understand your options.

The legal options available to you after you have been issued a citation are as follows:

1. Settlement Option: Check option one (1) if you accept the fine and agree to correct the violation within 90 days of the date the citation was served. The fine offered is the lowest dollar amount allowed as the settlement penalty for your violation(s) and is not negotiable. No payment is due at this time. Once the citation becomes a final order, the Department will send you a copy of the citation with an invoice to pay the specified fine.

NOTE: Failing to correct the violation within 90 days of the date the citation was served, shall result in the issuance of a new citation for a subsequent offense of the same violation.

2. Request an Informal Hearing: Check option two (2) if you do not dispute any material facts alleged in the citation. You will be given a hearing pursuant to Section 120.57(2), F.S., and have the opportunity to present written and oral evidence in mitigation of the penalty. If a dispute over a material fact arises, the informal hearing will be terminated and your case will be referred for an evidentiary hearing to be scheduled for a later date.

3. Request a Formal Hearing: Check option three (3) if you dispute one or more material facts alleged in the citation. This is considered a petition for an evidentiary administrative hearing before an administrative law judge pursuant to Section 120.569(2)(a), F.S., and requires the Division of Hotels and Restaurants to send the case to the Division of Administrative Hearings (DOAH). In order to be granted a formal hearing, you must provide a written statement of the alleged material facts that you are disputing within the citation (pursuant to Rule 28-106.2015(5)(c), F.A.C.). Attach additional pages to list all of the material facts.

The postmark on the envelope mailed by you or a delivery service to the proper address, or hand-delivered document hand-stamped by the department constitutes **proof of timeliness**. You may wish to mail the citation by certified mail, return receipt requested, as your returned receipt also constitutes proof of your compliance with the time requirements.

The division will approve an installment payment plan for up to 5 months for fines imposed by a citation if the fines impose a financial hardship. An installment payment plan must be requested within 30 days of the date the citation becomes a final order. To request an installment payment plan, contact the Department at (850) 487-1395.

NOTICE OF APPELLATE RIGHTS

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by Rules 9.110 and 9.190, Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Department of Business and Professional Regulation, Attn: Agency Clerk, 2601 Blair Stone Road, Tallahassee, Florida 32399-2203 and a second copy, accompanied by the filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Florida Appellate District where the party resides. The Notice of Appeal must be filed within thirty (30) days of rendition of the order to be reviewed.

Laws Subject to Citation:

399.03(1), F.S.: A conveyance covered by this chapter may not be erected, constructed, installed, or altered within buildings or structures until a permit has been obtained from the department.

399.01(12), F.S.: Each registered elevator company must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by rule.

399.03(10), F.S.: Temporary use is authorized only when a satisfactory temporary operation inspection report, completed within the last 30 days, by a certified elevator inspector, and a notice prescribed by the department, bearing a statement that the elevator has not been finally approved by a certified elevator inspector, are conspicuously posted in the elevator.

399.01(14), F.S.: Each natural person desiring to perform the duties of a certified elevator technician must annually register with and be authorized by the division before constructing, installing, maintaining, or repairing an elevator.

399.17, F.S.: Each certified elevator inspector must annually register with the division.

399.07(1), F.S.: The owner of an elevator operating with an expired certificate of operation is in violation of this chapter.