



Florida Elevator Safety Code

Administrative Rules

July 2023

**CHAPTER 61C-5
Florida Administrative Code
FLORIDA ELEVATOR SAFETY CODE**

Department of Business and Professional Regulation
Division of Hotels and Restaurants – Bureau of Elevator Safety
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CHAPTER 61C-5

FLORIDA ELEVATOR

SAFETY CODE

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61C-5.001 Safety Standards.

(1) Applicability. The safety standards adopted herein shall apply to all elevators covered by Chapter 399, F.S., as follows:

(a) The installation, alteration, relocation, and change in classification must comply with Chapter 399, F.S., as well as the edition of the Florida Building Code or the Elevator Safety Code, in effect on the date of receipt of application for the permit to install, alter, relocate, or change in classification.

(b) The maintenance, repair and replacement must comply with the maintenance, repair and replacement requirements of the most recent adopted codes and the codes under which the elevator was installed, altered, relocated, or changed classification, as applicable.

(c) Inspections and periodic test witnessing must be performed in accordance with the inspection and test requirements of the most recent adopted codes.

(2) The following safety standards for elevators, escalators, dumbwaiters, and moving walks are hereby adopted and incorporated by reference, effective December 31, 2020:

(a) ASME A17.1-2016, Safety Code for Elevators and Escalators. The following parts of ASME A17.1-2016, Safety Code for Elevator and Escalators, are hereby excluded and not incorporated herein by reference:

1. Parts 5.3, 8.10.5.2, and 8.11.5.2 relating to private residence elevators.

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- 2. Parts 5.4, 8.6.7.4 and 8.10.5.2 relating to private residence inclined elevators.
- 3. Parts 5.8, 8.6.7.8, 8.7.5.8, 8.10.5.8, and 8.11.5.8 relating to marine elevators.
- 4. Part 5.9, 8.6.7.9, and 8.7.5.9 relating to mine elevators.
- 5. Part 5.11, 8.6.7.11, 8.10.5.14, and 8.11.5.14 relating to wind turbine tower elevators.
- 6. Part 5.12, 8.6.7.12, 8.7.5.10, 8.10.5.15, and 8.11.5.15 relating to outside emergency elevators.

(b) ASME A17.3-2015, Safety Code for Existing Elevators and Escalators. The following part of ASME A17.3-2015, Safety Code for Existing Elevator and Escalators, is hereby excluded and not incorporated herein by reference:

Part X, relating to private residence elevators.

All elevators covered by Chapter 399, F.S., must be in compliance with part 3.10.12 of ASME A17.3-2015, Safety Code for Existing Elevators and Escalators by December 31, 2023.

(3) The following safety standard for stairway chairlifts and inclined or vertical wheelchair lifts is hereby adopted and incorporated by reference, effective December 31, 2020:

ASME A18.1-2017, Safety Standard for Platform Lifts and Stairway Chairlifts.

(4) "ASME" is the recognized abbreviation for the American Society of Mechanical Engineers, and generally the abbreviation is used in these rules in identifying the publications of the association, which are copyrighted. It would be a violation of federal copyright law to post the materials incorporated in this rule on the Internet for public viewing. Accordingly, the public may purchase a copy of any ASME publication by writing ASME, P.O. Box 2300, Fairfield, NJ 07007-2300, or at www.asme.org. In addition, copies of the incorporated materials are available for viewing during regular business hours at the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, located at 2601 Blair Stone Road, Tallahassee, Florida 32399, and the Florida Department of State located at R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250.

Rulemaking Authority 399.02, 399.10 FS. Law Implemented 399.02, 399.03 FS. History--New 10-20-63, Amended 4-20-64, 11-17-73, 12-20-73, Revised 3-22-74, Amended 12-18-74, 8-21-79, 8-1-82, 9-19-84, Formerly 7C-5.01, Amended 11-1-87, 10-31-88, 6-12-89, 9-10-89, 10-3-90, 5-12-91, 6-23-91, 8-9-91, 8-27-92, Formerly 7C-5.001, Amended 2-2-94, 8-1-96, 1-1-98, 10-4-00, 4-2-08, 3-15-12, 8-21-12, 1-11-18, 3-23-21.

61C-5.0015 Maintenance Control Programs.

(1) Elevators must comply with the maintenance control program onsite documentation requirement in s. 8.6.1.2, ASME A17.1-2013, as adopted by reference in Rule 61C-5.001, F.A.C., according to the following schedule based on the code under which the elevator was installed:

CODE UNDER WHICH INSTALLED:	DATE TO COMPLY:
ASME A17.1-2013	January 1, 2018
ASME A17.1b-2009	July 1, 2018
ASME A17.1a-2005 and ASME A17.1S-2005 (MRL Supplement) ASME A17.1-2000	January 1, 2019
ASME A17.1b-1998	April 1, 2020
ASME A17.1b-1995 and earlier versions of ASME A17.1	October 1, 2020

(2) When the maintenance control program and related documentation is maintained in electronic format, the elevator owner or lessee, when owner responsibilities are specifically assigned by lease, shall provide appropriate means for viewing the maintenance control program onsite.

Rulemaking Authority 399.02, 399.10 FS. Law Implemented 399.02 FS. History--New 12-31-17, Amended 10-29-19.

61C-5.0051 Emergency Stop Switches and In-Car Stop Switches.

(1) Emergency Stop Switches. Only passenger elevators with non-perforated enclosures, installed prior to May 14, 1979, shall be permitted to have an emergency stop switch in the elevator car. The emergency stop switch shall be located in or adjacent to the operating panel of the elevator car in accordance with the ASME A17.1a-2005, rule 2.26.2.5, hereby incorporated by reference.

(a) Exception. The requirements of subsection (1) of this rule shall not apply to those elevators whose owners have removed the emergency stop switch after receiving written approval from the division.

(b) An emergency stop switch shall be provided in the car of all freight and passenger elevators with a perforated enclosure, in accordance with ASME A17.1a-2005, rule 2.26.2.5, as incorporated by reference.

(2) In-Car Stop Switch – New Installations. On passenger elevators equipped with non-perforated enclosures, a stop switch, either key operated or behind a locked cover, shall be provided in the car and located in or adjacent to the car operating panel, in accordance with ASME A17.1a-2005, rule 2.26.2.21, hereby incorporated by reference.

Rulemaking Authority 399.10 FS. Law Implemented 399.02 FS. History—New 5-6-90, Formerly 7C-5.0051, Amended 2-2-94, 4-2-08.

61C-5.006 Elevator Fees; Permits; Certificates of Operation; Delinquency Fee; Transfer of Ownership; Certificate Replacement; Accident Reporting.

(1)(a) A registered elevator company shall apply for a permit to install, alter or relocate an elevator by submitting DBPR HR-7015, Application for Permit to Install, Alter or Relocate an Elevator and Certificate of Operation, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-09062>) incorporated herein by reference and effective 2018 January; and DBPR HR-7023, Affidavit of Elevator Plans Code Compliance, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-09063>) incorporated herein by reference and effective 2018 January, completed and signed by a certificate of competency holder or certified elevator inspector authorized by the registered elevator company making application. Any remodel, change to or addition of fixtures or components in the elevator cab that requires a test under ASME A17.1, as adopted in Rule 61C-5.001, F.A.C., or meets the definition of an alteration, as defined in Section 399.01(1), F.S., requires an alteration permit. A replacement, as defined in Rule 61C-5.008, F.A.C., does not require an alteration permit.

1. Each application for a permit to install or relocate an elevator must be accompanied by a permit fee of \$250 and the certificate of operation fee specified in subsection 61C-5.006(4), F.A.C.

2. Each application for a permit to alter must be accompanied by a permit fee of \$200 and a list of the alterations to be performed under the permit.

(b) A copy of the permit must be posted at the construction site while work is in progress.

(c) Every permit issued becomes invalid unless the work authorized by such permit is commenced within 6 months after issuance, or if the work authorized by such permit is suspended or abandoned for a period of 60 days after the time the work is commenced. For good cause, one or more extensions of time may be allowed after the permit holder has commenced work, ordered parts, or started construction on the elevator. Requests for extensions of time must be in writing and must include the circumstances leading to the request and the requested length of the extension. An extension request is not approved until signed by the director of the Division of Hotels and Restaurants or the director's designee.

1. An extension of time for good cause shall be granted due to delays in construction arising from the non-availability of parts necessary to complete construction; the occurrence of a natural disaster or civil disturbance; the injury, illness, or death of an involved material party to the construction; or other hardship as approved by the director or the director's designee.

2. Extensions will not be granted when the director or it's designee determines that the delay is the fault of the contractor or applicant; the delay results from failing to diligently pursue construction; or the necessity for the extension is due to the party's own negligence and would have been avoided by the party's exercise

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of due diligence.

(d) At least five days prior to the initial acceptance inspection, the permit holder must notify the division of the date and time of the scheduled inspection. If the initial acceptance inspection is rescheduled, the permit holder must notify the division as soon as the new date and time is determined. Rescheduled initial acceptance inspections are not subject to the five-day notification requirement.

(e) The permit is satisfied and closed upon the completion of a satisfactory initial acceptance inspection or alteration acceptance inspection performed in compliance with Chapter 399, F.S., and this rule chapter.

(2)(a) Upon completion of a satisfactory initial acceptance inspection for a permit to install or relocate, the certified elevator inspector must issue a temporary certificate of operation by completing the inspector copy of DBPR Form HR 5023-005, Temporary Operating Permit/Temporary Certificate of Operation, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02247>) incorporated herein by reference and effective October 8, 2012, and place it in the elevator license frame. A temporary certificate of operation is valid for 60 days from the date of the satisfactory inspection or until receipt of the initial certificate of operation from the division, whichever occurs first.

(b) The division will issue the initial certificate of operation upon receipt of proof of a satisfactory initial acceptance inspection.

(c) If the initial certificate of operation is issued to a person other than the owner taking possession of the building, the building owner or an authorized representative must apply for a change of owner within 30 days of taking possession of the building by submitting DBPR HR-7025, Application for Elevator Change of Owner and Certificate of Operation, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-11110>) incorporated herein by reference and effective 2019 August. If the certificate of operation will expire within 90 days of the owner taking possession of the building, the elevator owner shall apply for a change of owner with license renewal as described on form DBPR HR-7025.

(3) All certificates of operation will expire on July 31 at 11:59 p.m. of each year. Applications and fee payments for renewal of certificates of operation not postmarked or received before August 1 of each year will be deemed delinquent. The following items are required for renewal and must be received by the Bureau

of Elevator Safety prior to issuance of a renewal certificate of operation:

- (a) The certificate of operation fee; and,
- (b) Proof of a current satisfactory inspection, or

(c) Those two-stop elevators or other conveyances not requiring an inspection pursuant to Section 399.061(1)(a), F.S., shall either have on file with the bureau verification of a valid service maintenance contract as described in Rule 61C-5.013, F.A.C., or submit proof of a current satisfactory inspection.

(d) A delinquent certificate of operation renewal must be accompanied by a late fee of \$50 in addition to the certificate of operation fee.

(4) The certificate of operation fee shall be \$75 for each type of installation and class as follows:

TYPE OF INSTALLATION	CLASS	TYPE OF INSTALLATION	CLASS
Traction Passenger	01	Screw Column	11
Hydraulic Passenger	02	Escalator	12
Traction Freight	03	Hand Elevator	13
Hydraulic Freight	04	Sidewalk Elevator	14
Hand Power Passenger	05	Material Lift/Dumbwaiter with Automatic Transfer Device	15

Hand Power Freight	06	Special Purpose Personnel Elevator	16
Moving Walk	07	Inclined Stairway Chairlift	17
Inclined Lift	08	Inclined & Vertical Wheelchair Lift	18
LU/LA (Limited Use/Limited Application)	09	Rack and Pinion	19
Dumbwaiter	10		

(5) Certificate of operation renewal is the responsibility of the current elevator owner or lessee, when owner responsibilities are specifically assigned by lease. The current owner or lessee is responsible for applying for a change of owner within 30 days after transfer of ownership or lease assignment by submitting DBPR HR-7025, Application for Elevator Change of Owner and Certificate of Operation. If the certificate of operation will expire within 90 days of the owner taking possession of the building, the elevator owner shall apply for a change of owner with license renewal as described on form DBPR HR-7025. The division will issue a new certificate of operation to the new owner or lessee upon receipt of a completed application. No fee will be charged for processing a change of owner without license renewal as described on form DBPR HR-7025.

(6) Replacement of a mutilated or lost certificate of operation must be provided to the owner when a request is received by the division. Such requests must include the elevator license number, business name and address, and a contact name and phone number. Requests for a replacement certificate of operation may be submitted by phone, e-mail, fax, or in writing to the division.

(7) These Fees are Nonrefundable.

(8) A certificate of operation holder must submit DBPR Form HR-7016, Elevator Owners Accident Report (<https://www.flrules.org/Gateway/reference.asp?No=Ref-15390>) incorporated herein by reference and effective 2023 February, within 5 working days of any elevator accident as required in Section 399.125, F.S.

An Elevator Owners Accident Report is required to be submitted when the operation of a conveyance results in an accident including, but not limited to, an entrapment or bodily injury.

(9) All forms incorporated in this section are available from the Division of Hotels and Restaurants website at <http://www.myfloridalicense.com/DBPR/elevator-safety/>; by e-mail to chr.elevators@myfloridalicense.com; or upon written request to the Department of Business and Professional Regulation, Division of Hotel & Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013.

Rulemaking Authority 399.02, 399.03, 399.07(1), 399.10 FS. Law Implemented 399.03, 399.061, 399.07, 559.79 FS. History—New 8-21-79, Amended 11-20-79, 10-8-81, 4-21-82, 8-1-82, 11-27-83, 9-19-84, 10-8-85, Formerly 7C-5.06, Amended 10-31-88, 7-1-92, 10-11-92, Formerly 7C-5.006, Amended 2-2-94, 1-1-98, 5-24-01, 9-17-07, 4-21-13, 12-29-14, 4-4-18, 10-29-19, 7-12-23.

61C-5.007 Certificates of Competency and License Registrations, Initial, Renewal, General Liability Insurance Coverage.

(1)(a) All certificates and licenses, as specified in this section, expire on December 31 at 11:59 p.m. of each year unless renewed by the division.

(b) A renewal application for a certificate of competency, including fee payment, or an annual license registration postmarked on or after January 1 will be deemed delinquent. A certificate of competency or annual license registration resulting from a delinquent submission shall be valid from the date renewed or issued by the division through December 31 each year.

(c) Expired certificates and licenses are not valid and the certificate holder or licensee is not authorized to perform any work under an expired certificate or license until the division approves and completes a

3. One of the following:

a. Proof of a mechanical engineer license in good standing.

b. Proof of four (4) years experience constructing, maintaining, servicing and repairing elevators verified by letter from a registered elevator company on company letterhead that specifies the type of work performed or completed DBPR HR-5023-076 – Affidavit Verifying Elevator Work History for Certificate of Competency Applicants, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-12781>) incorporated herein by reference and effective 2021 January, and one of the following:

(I) A copy of certificate of completion of the certificate of competency exam administered by the division or its designee. The examination must cover the construction, installation, maintenance, and repair of elevators and their associated parts. The applicant must pass the examination within two years of the date of application with a minimum score of 75%;

(II) Copy of certificate of completion of a registered elevator mechanics apprenticeship program as required in section 399.01(16)(a)2.b., F.S.; or

(III) Copy of a current license or certification issued by a state or local U.S. jurisdiction with standards equal to or more stringent than Florida's standards as required in section 399.01(16)(a)2.c., F.S.

(b) Renewal. The division must receive proof of completion of eight (8) hours continuing education as described in rule 61C-5.0085, F.A.C., and the \$50 fee before a renewal certificate of competency may be issued.

(c) Expired certificates of competency become null and void on March 1 and are no longer renewable. Certificate of competency holders whose certificate becomes null and void must submit an initial application for a certificate of competency, including all documentation and fees required by paragraph (2)(a). A new certificate of competency will be issued upon receipt of all required documentation and fees.

(3) Certified Elevator Technician.

(a) The following items are required for initial registration and licensure as a certified elevator technician:

1. DBPR HR 7014, Application for Certificate of Competency and Certified Elevator Technician Registration; and,

2. Proof of general liability insurance coverage as described in paragraph (6)(a) or (6)(b).

(b) The following items are required to renew a certified elevator technician license registration:

1. A valid certificate of competency issued by the division; and

2. Proof of general liability insurance coverage as described in paragraph (6)(a) or (6)(b).

(4) Certified Elevator Inspectors.

(a) The following items are required for initial registration and licensure as a certified elevator inspector:

1. DBPR HR-7017, Application for Certified Elevator Inspector Registration, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-09066>) incorporated herein by reference and effective 2018 January;

2. A copy of the registrant's valid qualified elevator inspector credential issued by the American Society of Mechanical Engineers (ASME), or its accrediting bodies, in good standing at the time of application; and

3. Proof of general liability insurance coverage as described in paragraph (6)(a) or (6)(b).

(b) The following items are required to renew a certified elevator inspector license registration:

1. Proof of completion of the required continuing education as described in rule 61C-5.0085, F.A.C.;

2. A copy of the registrant's valid qualified elevator inspector credential issued by the ASME, or its accrediting bodies, that remained in good standing throughout the license year; and

3. Proof of general liability insurance coverage as described in paragraph (6)(a) or (6)(b).

(c) The division shall not renew a certified elevator inspector license registration if the qualified elevator inspector credential did not remain in good standing throughout the license year. Good standing means the qualified elevator inspector credential was not suspended, revoked, or otherwise disciplined by the issuing body, or allowed to expire or lapse.

(5) Registered Elevator Companies.

(a) The following items are required for initial registration and licensure as a registered elevator company:

1. Completed DBPR HR-7026, Application for Elevator Company Registration, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-09067>) incorporated herein by reference and effective 2018 January;

2. Proof of general liability insurance coverage as described in paragraph (6)(c); and,

3. The name and certificate or license number of at least one employee who holds a current certificate of competency issued pursuant to section 399.01(16), F.S., and subsection (2) of this rule, or who is a certified elevator inspector licensed by the division pursuant to section 399.01(13), F.S., and subsection (4) of this rule.

(b) The following items are required to renew a registered elevator company license registration:

1. Proof of general liability insurance coverage as described in paragraph (6)(c); and,

2. The name and certificate or license number of at least one employee who holds a current certificate of competency issued pursuant to section 399.01(16), F.S., and subsection (2) of this rule, or who is a certified elevator inspector licensed by the division pursuant to section 399.01(13), F.S., and subsection (4) of this rule.

(6) General Liability Insurance Coverage.

(a) Certified elevator technicians and certified elevator inspectors performing work for a registered elevator company must be covered by general liability insurance in the minimum amounts of \$100,000 per person and \$300,000 per occurrence.

(b) A certified elevator inspector or certified elevator technician who, independent of a registered elevator company, inspects, maintains, or repairs a vertical conveyance regulated under chapter 399, F.S., must first have on file with the division a valid Certificate of Comprehensive General Liability Insurance evidencing coverage in the minimum amounts of \$100,000 per person and \$300,000 per occurrence.

(c) A registered elevator company must maintain general liability insurance coverage in the minimum amounts of \$100,000 per person and \$300,000 per occurrence and file with the division a Certificate of Comprehensive General Liability Insurance indicating the minimum required coverage amounts.

(7) Copies of the forms incorporated within this section are available from the Division of Hotels and Restaurants Internet website at <http://www.myfloridalicense.com/DBPR/elevator-safety/>; by email to dhr.elevators@myfloridalicense.com; or upon written request to the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013.

Rulemaking Authority 399.01, 399.02, 399.10 FS. Law Implemented 399.01(12), 399.01(13), 399.01(14), 399.01(16), 399.17 FS. History—New 10-8-81, Amended 11-27-83, 2-19-84, Formerly 7C-5.07, Amended 4-11-91, Formerly 7C-5.007, Amended 2-2-94, 8-21-06, 1-3-12, 7-11-12, 5-10-18, 4-4-21.

61C-5.008 Definitions.

When used in this rule chapter, the following terms shall have these meanings:

(1) "Bureau" means the Bureau of Elevator Safety.

(2) “Course” means a course, seminar or other program of instruction approved by the department for the purpose of satisfying continuing education requirements established in Chapter 399, F.S.

(3) “Course hour” means fifty minutes of instruction, exclusive of breaks, recesses, or time not spent in instruction.

(4) “Course provider” means the person or entity approved by and registered with the department pursuant to this rule and who is responsible for conducting a course approved pursuant to this rule.

(5) “Course instructor” means the person appointed by the course provider to teach or otherwise lead an approved course.

(6) “Current satisfactory inspection” means an inspection completed by a certified elevator inspector on or after August 1 of the previous year that is the most recent annual inspection conducted and that contains no violations.

(7) “Direct supervision” means a certificate of competency holder supervising an elevator helper as set forth in Section 399.01(15), F.S., is within physical proximity of the person being directly supervised such that timely observation and evaluation of the work being performed is facilitated to ensure the work is completed in accordance with applicable statutory and administrative code requirements.

(8) “Major modification” as used in Section 399.02(9), F.S., means any change in the type of service, motion control, or operation control; any alteration to the controller or the firefighters’ emergency operation; or the addition of an elevator to an existing group of elevators as described in ASME A17.1, Section 8.7, as adopted by reference.

(9) “Replacement” as the term relates to alterations, means the removal of a device, component or subsystem in its entirety and installation of an equivalent device, component, or subsystem that performs in the same manner and does not:

(a) Require modification or a rating change to the existing equipment;

(b) Add new functionality;

(c) Violate any provision of Chapter 399, F.S., this rule, or the safety standards adopted in Rule 61C-5.001, F.A.C.; or

(d) Require inspection, tests, and independent witnessing in any section of the safety standards adopted in Rule 61C-5.001, F.A.C., other than Part 8 of ASME A17.1.

This definition does not include the replacement of any part classified as an alteration in Section 8.6.3.10, ASME A17.1, as adopted in Rule 61C-5.001, F.A.C.

(10) “Session” means each distinct occasion a course is conducted.

(11) “Syllabus” means a detailed outline of the course content to a level of detail that sufficiently demonstrates the relevance required by subsection 61C-5.0085(3), F.A.C.

Rulemaking Authority 399.01, 399.02, 399.07 FS. Law Implemented 399.01, 399.02, 399.03, 399.061, 399.07 FS. History—New 11-9-06, Amended 1-18-12, 2-24-14, 8-14-16.

61C-5.0085 Continuing Education Requirements.

(1) Continuing Education Requirements.

(a) To renew a certificate of competency or a certified elevator inspector credential issued by the division pursuant to Chapter 399, F.S., a person must submit, in addition to the other requirements specified in Rule 61C-5.007, F.A.C., proof of completion within the current annual licensure period of 8 hours of approved continuing education, including at least one course hour related to safety in elevator construction, alteration, modification, repair or maintenance.

(b) A person holding more than one individual credential issued by the division that requires continuing education need only complete a total of 8 hours of continuing education during each annual period, but must submit proof of completion of the continuing education with each application submitted to the division for renewal of the credentials.

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(c) A person initially certified or registered by the division 180 days or more prior to the renewal deadline must complete 4 hours of approved continuing education as a condition of renewal.

(d) A person initially certified or registered by the division for less than 180 days prior to the renewal deadline need not complete any approved continuing education as a condition of renewal.

(e) Continuing education credit shall be granted to course instructors for the first presentation of a specific approved continuing education course or portion thereof, on an hour for hour basis, each annual licensure period. To obtain continuing education credit as a course instructor, the instructor must provide proof of completion of the course, must be identified as the instructor of the course on the sign-in sheet described in subparagraph (5)(a)5. and the certificate described in paragraph (5)(b), and must be listed on the sign-in sheet as an attendee.

(2) Course Provider Registration.

(a) Each course provider must register with the department conduct courses that satisfy continuing education requirements of Chapter 399, F.S., by submitting DBPR Form HR 5023-017 APPLICATION FOR COURSE PROVIDER REGISTRATION AND COURSE APPROVAL (<https://www.flrules.org/Gateway/reference.asp?No=Ref-04376>), incorporated herein by reference and effective 2014 March 25. Copies of this form are available from the Division of Hotels and Restaurants Internet website at <http://www.myfloridalicense.com/DBPR/elevator-safety/>; by e-mail to dhr.elevators@myfloridalicense.com; or upon written request to the Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013. Each application for course provider registration must include application for approval of at least one course.

(b) Each course provider registration expires three years from the date of issue, and must be renewed prior to conducting any further courses intended to satisfy continuing education requirements of Chapter 399, Florida Statutes.

(c) A course provider must provide the department written notice of any changes to information contained in its most recent application for, or renewal of, course provider registration no later than 30 days after such a change.

(d) The department shall maintain a list of all approved continuing education course providers.

(e) Course provider registration is subject to the provider's continued compliance with the minimum requirements set out in this rule. The department may conduct random audits of any registered provider to determine compliance and may audit any provider if it has reason to believe a provider is not in compliance with this section.

(f) The department shall deny, suspend, or revoke the registration of any course provider based on any of the following:

1. Obtaining or attempting to obtain registration or course approval through fraud, deceit, false statements, or misrepresentation of material facts, whether such statements or misrepresentations are made knowingly or negligently.

2. Failure to provide complete and accurate information in the initial application for registration or in any notification of change in information.

3. Failure to notify the department of a change in the information required in subsection (4) for registration of course providers.

4. Falsification of any records regarding the continuing education courses conducted by the course provider or the persons who attended the courses.

5. Failure to maintain any required records regarding the continuing education courses conducted by the course provider or the persons who attended the courses.

6. Failure to properly record attendance at any session of an approved course.

7. Failure to provide the department with copies of any document or other information required to be maintained by the course provider pursuant to this rule.

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8. Advertising that a course is approved prior to the date approval is granted, or otherwise including false or misrepresentative information in advertising.

9. Participating in any activity designed or intended to circumvent or evade the requirements of Chapter 399, F.S., or the rules adopted by the department to implement that section.

10. Failure to include the course identification number assigned by the department in any advertisement, brochure, course completion certificate, or other marketing or instructional material.

(g) If a course provider's registration is suspended or revoked, the course provider must cancel all sessions scheduled after the suspension or revocation takes effect and refund any fees associated with those sessions until such time as the course provider is restored to good standing.

(h) A course provider whose approval and registration is delinquent, expired, suspended or revoked may not conduct courses. Any courses conducted while a provider is delinquent, expired, suspended or revoked, will not satisfy the continuing education requirements of Chapter 399, F.S.

(3) Continuing Education Course Approval.

(a) To be approved as a course of continuing education for purposes of Chapter 399, F.S. and this rule, the course must provide technical or safety relevance to elevator construction, alteration, modification, repair or maintenance.

(b) The following subjects are relevant and provided as a guide. Courses submitted for approval need not encompass all these nor be limited to only these: elevator general theory and principles; plan and specification reading and interpretation; electrical codes; wiring and protection; wiring methods and materials; special occupancies and situations; life safety and Americans with Disabilities Act; current adopted elevator safety codes; inspectors manuals and structural considerations; wheelchair or accessibility lifts; OSHA Safety standards; periodic safety tests; or use of specialized tools and equipment.

(c) Continuing education courses will only be considered for approval when a registered course provider submits DBPR Form HR 5023-017 APPLICATION FOR COURSE PROVIDER REGISTRATION AND COURSE APPROVAL to the department no less than 30 days prior to date the first session of the course is scheduled to be conducted. The application must include: total number of hours of the course; a syllabus that demonstrates topical relevance of the course and includes an accounting of time spent on each topic or subsection in increments of not less than a quarter hour; the name and qualifications of all instructors known at the time of the application; a sample roster; and a sample of the certificate provided upon completion of the course. The department may request additional information as necessary to consider the course for approval.

(d) The department shall assign each approved course a unique course identification number. Any course denied approval may be modified and resubmitted for approval.

(e) The department may not deny or withdraw approval for a course on the sole basis that another approved course provider conducts the same or similar course.

(f) Course approval is subject to continued compliance with the minimum requirements set out in this rule. The department may deny or withdraw approval of a course when the course, course instructor, or course provider fails to meet the requirements of this rule.

(g) Continuing education courses may be conducted through interactive distance learning so long as the course has been approved by the department and complies with all requirements in this subsection.

1. For the purpose of this rule, "interactive distance learning" means the delivery of an approved course via the internet or other interactive electronic media. Such training must be interactive, providing for the exchange of information at regular intervals to promote student involvement, and must provide for the evaluation, monitoring, and verification of course content and completion. Interactive distance learning programs must require the student to complete and submit a statement at the end of the course that the student personally completed each module of instruction.

2. The course provider is responsible for verifying student identification upon each log-in and at regular intervals, and ensuring that one student registration cannot be used to complete the course more

than one time. Student identification verification may be based upon information obtained at the time of registration.

3. Each course provider must notify the department in writing that it will provide the training program through interactive distance learning. Such notification must include the course provider name, the course identification number assigned by the department, the form of interactive electronic media utilized, the internet address for the course, if applicable, and the name and qualifications of the course instructor responsible for ensuring the course material remains relevant.

(h) The course provider must notify the department in writing of any changes to the information required by paragraphs (c) and (g) of this subsection within 30 days of such change.

(i) The department may conduct random reviews of any approved course, including interactive distance learning courses, to determine compliance and may audit any course if it has reason to believe the course is not in compliance with this rule.

(4) Course Instructor Qualifications. Course instructors must be affiliated with a registered course provider and possess education and experience that qualifies the instructor to teach the course or parts of the course to which he or she is assigned. The course provider is responsible for verifying course instructors' qualifications.

(a) Course instructors must possess: five years experience in the construction, alteration, modification, maintenance or repair of elevators, and one of the following:

1. Possession of a certificate of competency issued by and in good standing with the division;
2. Current certification in good standing under the American Society of Mechanical Engineers standards as a qualified elevator inspector; or
3. Proof of registration, licensure or certification in the elevator trade by a United States authority having jurisdiction, to standards substantially equal to or more stringent than those of Chapter 399, F.S.

(b) A licensed, certified or registered contractor or engineer having five years experience in the elevator industry and whose license, certification, or registration is in good standing may teach a course within the scope of his or her license, certification, or registration.

(5) Records Required of Course Providers.

(a) The course provider must maintain records for each session of courses it conducts for the purpose of satisfying continuing education requirements established in Chapter 399, F.S., and provide any of these required records upon request by the department. Such records must be maintained for three years, and contain the following:

1. The time, dates and address of each course session.
2. The name, address and qualifications of any instructor teaching any portion of a course session.
3. The syllabus of each course, which must be provided to each attendee.
4. The name, address and department certification or registration number and type for each person that completed a course session, regardless of whether a fee is charged.
5. The original sign-in sheet used on-site to record attendance for each course session, which must include: the course identification number assigned by the department, time, date and address of the course session; the attendee's printed name, signature, and certification or registration number issued by the division; and number of course hours the attendee completed. The sign-in sheet must prominently bear the following statement above the attendees information: "By affixing my name and/or signature and/or mark to this document, I attest and certify that I am correctly and accurately identified herein as the person attending this continuing education course session." The sign-in sheet must also bear the following statement: "I attest the information recorded herein is true and accurate" above the signature of the instructor and the printed names of the course provider and instructor.
6. The student registration for each course session completed through interactive distance learning, which must include: the course identification number assigned by the department, time and date of the course session, the attendee's name and certification or registration number issued by the division, and

number of course hours the attendee completed. The registration must prominently bear the following statement above the attendees' information: "By affixing my name and/or signature and/or mark to this document, I attest and certify that I am correctly and accurately identified herein as the person attending this continuing education course session."

(b) Upon completion of a course, each attendee shall receive from the course provider a certificate measuring 8½ inches by 11 inches, displaying the following: the time and date of the course session; name of the course; number of course hours attended; the course provider's name and provider number assigned by the department; the course instructor's name and signature, and the course identification number assigned by the department.

(c) A course provider must submit to the department a copy of the sign-in sheet within 30 days of the completion of the course. For interactive distance learning courses, the course provider must submit the student registration of those individuals successfully completing the course by the fifth of the month following the calendar month in which the course was completed. The required documentation may be submitted via e-mail to dh.elevators@myfloridalicense.com or via mail to Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013.

(6) Advertising Continuing Education Courses.

(a) A course provider may not advertise a course as approved by the department until such approval is granted.

(b) A course provider may not misrepresent or include false or misleading information regarding the contents, instructors or number of hours of any course approved under this rule.

(c) The course provider must include the course identification number assigned by the department in any advertising used in connection with the course, and any other materials used in connection with the course including but not limited to the syllabus or other instructional materials.

(d) Use of the state seal, department logo, or any representation of division endorsement other than provider registration and course approval is prohibited.

Rulemaking Authority 399.01, 399.02, 399.10, FS. Law Implemented 399.01(16), 399.17 FS. History--New 11-9-06, Amended- 9-26-11, 2-24-14, 8-26-14.

61C-5.013 Service Maintenance Contracts.

(1) A service maintenance contract as defined by Section 399.01(10), F.S., must include routine examinations and periodic safety tests and meet the following minimum requirements:

(a) Routine examinations and periodic safety tests must follow the procedures established by the safety standards adopted in Rule 61C-5.001, F.A.C.

(b) Routine examinations shall be performed at least annually. Category 1 periodic safety tests, as defined in ASME A17.1, as adopted by reference in Rule 61C-5.001, F.A.C., shall be performed annually. Category 5 periodic safety tests, as defined in ASME A17.1, as adopted by reference in Rule 61C-5.001, F.A.C., shall be performed every five years. Routine examinations and periodic safety tests must be performed by a certified elevator technician or certified elevator inspector.

(c) The registered elevator company must make a written performance record indicating the date or dates of routine examinations and required testing. This performance record must be maintained in the elevator machine room and, available for review by the division or its contractual designees.

(2)(a) The owner or lessee, when owner responsibilities are specifically assigned by lease, must verify the existence of a valid service maintenance contract on a two-stop elevator or other conveyance in order for the elevator to qualify for the annual inspection exemption under Section 399.061(1), F.S. Annual verification is required to renew the certificate of operation without obtaining a current satisfactory inspection. Verification must be submitted to the division through the owner's online account located on the department's website, or by submitting DBPR Form HR 5023-060, Verification of Service Maintenance Contract (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02989>), adopted herein

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(2)(a) The owner or lessee, when owner responsibilities are specifically assigned by lease, must verify the existence of a valid service maintenance contract on a two-stop elevator or other conveyance in order for the elevator to qualify for the annual inspection exemption under Section 399.061(1), F.S. Annual verification is required to renew the certificate of operation without obtaining a current satisfactory inspection. Verification must be submitted to the division through the owner's online account located on the department's website, or by submitting DBPR Form HR 5023-060, Verification of Service Maintenance Contract (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02989>), adopted herein by reference and effective 2013 July 9, or a written document providing the same information. Copies of this form are available from the Division of Hotels and Restaurants website at <http://www.myfloridalicense.com/DBPR/elevator-safety/>; by e-mail to dhr.elevators@myfloridalicense.com; by phone request to the department at (850)487-1395; or upon written request to the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013.

(b) The registered elevator company holding a service maintenance contract for a two-stop elevator or other conveyance may, upon the owner's request, verify the existence of a valid service maintenance contract. Verification must be submitted through the elevator company's online account located on the department's website, or by submitting DBPR Form HR 5023-060, Verification of Service Maintenance Contract or a written document providing the same information. The owner or lessee retains responsibility for ensuring the division receives either the annual verification or annual inspection required to renew a certificate of operation.

(3) The owner or lessee, when owner responsibilities are specifically assigned by lease, of a two-stop elevator or other conveyance not requiring an annual inspection pursuant to Section 399.061(1)(a), F.S., must notify the division within 30 days of cancellation or expiration of the service maintenance contract. Notification must be submitted to the division through the owner's or lessee's online account located on the department's website, or by submitting DBPR Form HR 5023-060, Verification of Service Maintenance Contract or a written document providing the same information. Notification is not required if the service maintenance contract is renewed or a new contract is executed within 30 days of cancellation or expiration and proper annual verification of the new or renewed service maintenance contract is submitted as required for license renewal.

(4) The owner or lessee, when owner responsibilities are specifically assigned by lease, of a two-stop elevator or other conveyance not requiring an annual inspection pursuant to Section 399.061(1)(a), F.S., must notify the division in writing within 30 days of transfer of ownership of the service maintenance contract.

(5) The owner or lessee, when owner responsibilities are specifically assigned by lease, must have a maintenance control program in compliance with 8.6.1.2 of ASME A17.1, as adopted by reference in Rule 61C-5.001, F.A.C.

(6) Written verifications and notifications shall be mailed to the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013, or e-mailed to dhr.elevators@myfloridalicense.com.

Rulemaking Authority 399.02, 399.061, 399.10 FS. Law Implemented 399.01, 399.061 FS. History—New 2-2-94, Amended 10-4-00, 4-2-08, 9-10-13.

Rulemaking Authority 399.1061 FS. Law Implemented 399.10, 399.1061 FS. History—New 10-19-04.

61C-5.018 Variances.

(1) The division may grant variances from rule requirements when the applicant demonstrates the existence of a substantial hardship, as defined in Section 120.542(2), F.S.

(2) Variance requests must be submitted by petition as described in Section 120.542, F.S., and rules adopted thereunder. The division provides DBPR Form HR 5023-018, Petition for Variance from Rule, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00773>) incorporated herein by reference and effective October 14, 2010, as an optional petition for variance. A copy of DBPR Form HR 5023-18 is available on the Division of Hotels and Restaurants website at <http://www.myfloridalicense.com/DBPR/elevator-safety/>; by e-mail to dhr.elevators@myfloridalicense.com; or upon written request to the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013. Each variance request must include the license number for the conveyance, and supportive materials and documents providing the information necessary for rendering a decision. A license number must be obtained from the division before a variance will be granted for new installations. The applicant is responsible for demonstrating a substantial hardship exists and presenting facts relevant to and supportive of the variance request.

(3) Upon consideration of the merits of each variance request, the director or designee must either grant a variance, as requested, or deny the variance request.

(4) The owner or lessee of an elevator which has a variance approved by the division is responsible for maintaining a copy of the approved variance in the machine room at the physical location of the elevator and available for review during an elevator inspection.

Rulemaking Authority 399.02, 399.10 FS. Law Implemented 399.02 FS. History—New 1-18-12, Amended 12-28-15.

61C-5.020 Disciplinary Guidelines.

(1) This rule sets out the disciplinary guidelines for imposing penalties upon elevator owners or operators, elevator companies, elevator inspectors, elevator technicians, or certificate of competency holders guilty of violating Chapter 399, F.S. The purpose of this rule is to notify licensees and other persons under the jurisdiction of Chapter 399, F.S., of the standard range of penalties routinely imposed unless the department finds it necessary to deviate from the standard penalties for the reasons stated within this rule.

(2) These disciplinary guidelines are descriptive in nature and do not use the language used to formally allege a violation in a specific case. This rule is not intended to specifically describe all possible violations of law that may be committed by a licensee or certificate holder and that may be subject to penalty imposed by the department.

(3) The department may impose penalties against a licensee or certificate holder for a specific violation not included in the language of this rule. If a specific violation is not included in the language of this rule, the department shall impose a penalty corresponding to the most similar violation listed in this rule.

(4) These disciplinary guidelines do not limit the department's authority to order a licensee or certificate holder to cease and desist from any unlawful practice or other administrative action authorized by law.

(5) Definitions. For the purpose of this rule, a citation issued under Section 399.16, F.S., and Rule 61C-5.023, F.A.C., constitutes a disciplinary Final Order.

(a) "First offense" means a violation of any law subject to penalty under Chapter 399, F.S., when no disciplinary Final Orders involving the same licensee or certificate holder have been filed with the Agency Clerk within the 24 months preceding the date the current administrative complaint is issued.

(b) "Second offense" means a violation of any law subject to penalty under Chapter 399, F.S., after one disciplinary Final Order involving the same law and the same licensee or certificate holder have been filed with the Agency Clerk within the 24 months preceding the date the current administrative complaint is issued.

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(c) "Third and any subsequent offense" means a violation of any law subject to penalty under Chapter 399, F.S., after two or more disciplinary Final Orders involving the same law and the same licensee or certificate holder have been filed with the Agency Clerk within the 24 months preceding the date the current administrative complaint is issued.

(6) Standard penalties. This section specifies the penalties routinely imposed for violations of law subject to a penalty under Chapter 399, F.S. If the same ASME code is cited multiple times on the same elevator during a single inspection, the multiple code violations shall be considered one violation for the purpose of the administrative complaint and penalties.

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) Making a false statement as to a material matter in an application for registration, certification, or any permit or certificate issued under Chapter 399, F.S. (s. 399.049(1)(a), F.S.)		
First offense	\$250 fine	\$500 fine, suspension or revocation
Second offense	\$500 fine	\$1,000 fine, suspension or revocation
Third and any subsequent offense	\$750 fine or suspension	\$1,000 fine and suspension or revocation
(b) Fraud, misrepresentation, or bribery in the practice of the profession. (s. 399.049(1)(b), F.S.)		
First offense	\$250 fine	\$500 fine, suspension or revocation
Second offense	\$500 fine	\$1,000 fine, suspension or revocation
Third and any subsequent offense	\$750 fine or suspension	\$1,000 fine and suspension or revocation
(c) Failure by a certified elevator inspector to provide the department and the certificate of operation holder with a copy of the inspection report within five days after the date of any inspection performed after the initial certificate of operation is issued. (s. 399.049(1)(c), F.S.)		
First offense	\$250 fine	\$500 fine
Second offense	\$500 fine	\$1,000 fine
Third and any subsequent offense	\$750 fine or suspension	\$1,000 fine and suspension or revocation
(d) Violation of any provision of Chapter 399, F.S., not otherwise identified in this subsection. (s. 399.049(1)(d), F.S.)		
First offense	\$250 fine	\$500 fine
Second offense	\$500 fine	\$1,000 fine or suspension
Third and any subsequent offense	\$750 fine or suspension	\$1,000 fine, suspension, or revocation
(e) Failure by a certified elevator inspector to maintain his or her qualified elevator inspector credential in good standing (s. 399.049(1)(e), F.S.)		
First offense	Revocation	Revocation
Second offense	Revocation	Revocation

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Third and any subsequent offense	Revocation	Revocation
(f) Having a license to install, inspect, maintain, or repair any vertical conveyance revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or county (s. 399.049(1)(f), F.S.)		
First offense	The usual penalty shall be commensurate with the penalty imposed by the other jurisdiction or a penalty consistent with these guidelines for the underlying offense committed in the other jurisdiction. Fines shall not exceed \$1000.	The usual penalty shall be commensurate with the penalty imposed by the other jurisdiction or a penalty consistent with these guidelines for the underlying offense committed in the other jurisdiction. Fines shall not exceed \$1000.
Second offense	The usual penalty shall be commensurate with the penalty imposed by the other jurisdiction or a penalty consistent with these guidelines for the underlying offense committed in the other jurisdiction. Fines shall not exceed \$1000.	The usual penalty shall be commensurate with the penalty imposed by the other jurisdiction or a penalty consistent with these guidelines for the underlying offense committed in the other jurisdiction. Fines shall not exceed \$1000.
Third and any subsequent offense	The usual penalty shall be commensurate with the penalty imposed by the other jurisdiction or a penalty consistent with these guidelines for the underlying offense committed in the other jurisdiction. Fines shall not exceed \$1000.	The usual penalty shall be commensurate with the penalty imposed by the other jurisdiction or a penalty consistent with these guidelines for the underlying offense committed in the other jurisdiction. Fines shall not exceed \$1000.
(g) Engaging in fraud or deceit, negligence, incompetency, or misconduct in the practice of the profession (s. 399.049(1)(g), F.S.)		
First offense	\$250 fine	\$1,000 fine
Second offense	\$500 fine	Suspension or Revocation
Third and any subsequent offense	\$1,000 fine or suspension	Revocation
(h) Commencing the installation, relocation, or alteration of any elevator for which a permit is required by Chapter 399, F.S., without having obtained from the department the permit. (s. 399.03(1), F.S.)		

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First offense	\$250 fine	\$250 fine
Second offense	\$500 fine	\$500 fine
Third and any subsequent offense	If violation committed by a license, registration, or certificate holder, \$1,000 fine or suspension Otherwise, \$1,000 fine	If violation committed by a license, registration, or certificate holder, suspension or revocation Otherwise, \$1,000 fine
(i) Allowing the operation of any elevator for which a certificate is required by Chapter 399, F.S., without having obtained from the department the certificate (s. 399.07(5), F.S.)		
First offense	\$250 fine	\$250 fine
Second offense	\$500 fine	\$500 fine
Third and any subsequent offense	\$1,000 fine	\$1,000 fine
(j) Allowing the operation of an elevator with an expired certificate of operation (s. 399.07(1), F.S.)		
First offense	\$250 fine	\$250 fine
Second offense	\$500 fine	\$500 fine
Third and any subsequent offense	\$1,000 fine	\$1,000 fine
(k) Allowing the temporary operation of an elevator without having obtained from the department a temporary operating permit (s. 399.03(10), F.S.)		
First offense	\$250 fine	\$250 fine
Second offense	\$500 fine	\$500 fine
Third and any subsequent offense	\$1,000 fine	\$1,000 fine
(l) Performing or offering to perform the inspection, construction, installation, maintenance, or repair of any elevator unless such person holds an active certification under Chapter 399, F.S., (ss. 399.01(13) or 399.01(14), F.S.)		
First offense	\$250 fine	\$500 fine
Second offense	\$500 fine	\$1,000 fine
Third and any subsequent offense	If violation committed by a license, registration, or certificate holder, \$1,000 fine or suspension. Otherwise, \$1,000 fine	If violation committed by a license, registration, or certificate holder, suspension or revocation. Otherwise, \$1,000 fine
(m) Employing persons to construct, install, inspect, maintain, or repair any elevator unless such business holds an active registration under Chapter 399, F.S. (s. 399.01(12), F.S.)		
First offense	\$250 fine	\$500 fine
Second offense	\$500 fine	\$1,000 fine
Third and any subsequent offense	\$750 fine	\$1,000 fine
(n) Violating a provision of s. 399.105, F.S.		
First offense	\$250 fine	\$500 fine

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Second offense	\$500 fine	\$1,000 fine
Third and any subsequent offense	\$750 fine	\$1,000 fine
(o) Failing to report any accident occurring in or upon any elevator within 5 working days (s. 399.125, F.S.)		
First offense	\$250 fine	\$500 fine
Second offense	\$500 fine	\$1,000 fine
Third and any subsequent offense	\$750 fine	\$1,000 fine

(7) Aggravating or mitigating factors.

The department may deviate from the standard penalties in this section, based upon the consideration of aggravating or mitigating factors present in a specific case. The department shall consider the following aggravating and mitigating factors in determining the appropriate disciplinary action to be imposed and in deviating from the standard penalties:

(a) Aggravating factors.

1. Possible danger to the public.
2. Severity of violations in the current administrative complaint.
3. The current administrative complaint alleges a violation for obstruction of division personnel.
4. Actual physical damage or bodily harm caused to persons or property by the violation.
5. Any other aggravating factors, as relevant under the circumstances.

(b) Mitigating factors.

1. Violation resulted from a natural disaster, civil disturbance or other emergency situation.
2. Length of time since the violation occurred.
3. Attempts by the licensee to correct the violation.

(8) Terms of license suspensions resulting from multiple violations or Final Orders shall be applied consecutively, not concurrently.

(9) Fines resulting from multiple violations or Final Orders shall be assessed cumulatively.

(10) Notwithstanding subsection (6), license revocation may be recommended for any case or for any violation when the aggravating circumstances and compliance history present a significant threat to public safety.

Rulemaking Authority 399.02, 399.10, 455.2273 FS. Law Implemented 399.049, 399.105, 399.125 FS. History—New 2-27-13.

61C-5.023 Citations.

(1) Upon a determination of probable cause, the division will issue a citation for:

(a) Operating an elevator without a valid temporary operating permit as required under Chapter 399, F.S., or performing activity requiring a permit, certificate, or license without a valid permit, certificate, or license.

(b) Operating an elevator without a valid certificate of operation.

(2) The division will determine probable cause exists when personal observation or investigation by the division provides facts to support a reasonable belief that the violation has occurred.

(3) The citation must be issued using DBPR Form HR 5023-059, Disciplinary Citation and Stop Work Order, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13221>) incorporated herein by reference and effective June 2021. The citation will constitute a stop work order only when issued under paragraph (1)(a). A sample copy of this form is available from the Division of Hotels and Restaurants Internet

website at <http://www.myfloridalicense.com/DBPR/elevator-safety/>; by e-mail to dhr.elevators@myfloridalicense.com; or upon written request to the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013.

(4) The citation must contain a brief factual statement of the activity engaged in; the section of law allegedly violated; the penalty imposed; instructions on how to pay the citation; and a statement that, in lieu of accepting and paying the citation, the subject may choose to dispute the citation and proceed with an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The citation must be issued to a natural person, elevator owner, or elevator company and contain the following information, if available or applicable:

(a) Subject's full name and date of birth;

(b) Subject's division-issued license number or registration number, whether current or expired, or subject's driver license number or any other identifying information;

(c) Subject's last known address and telephone number; and

(d) Notification that the citation is issued as a stop work order.

(5) The citation must be served upon the subject by personal service or by certified mail. When the division issues DBPR Form HR 5023-059 as a stop work order, the activity identified on the citation must immediately stop upon receipt of the citation.

(6) Definitions.

(a) "First citation" means a citation issued when no prior citation involving the same subject for violations of paragraph (1)(a) or the same elevator for violations of paragraph (1)(b) has become or resulted in a Final Order within the 24 months preceding the date the current citation is issued.

(b) "Second citation" means a citation issued when one prior citation involving the same subject for violations of paragraph (1)(a) or the same elevator for violations of paragraph (1)(b) has become or resulted in a Final Order within the 24 months preceding the date the current citation is issued and the current violation is the same as a previous violation.

(c) "Third citation" means a citation issued when two prior citations involving the same subject for violations of paragraph (1)(a) or the same elevator for violations of paragraph (1)(b) have become or resulted in a Final Order within the 24 months preceding the date the current citation is issued and the current violation is the same as a previous violation.

(d) "Fourth and any subsequent citation" means a citation issued when three or more prior citations involving the same subject for violations of paragraph (1)(a) or the same elevator for violations of paragraph (1)(b) have become or resulted in a Final Order within the 24 months preceding the date the current citation is issued and the current violation is the same as a previous violation.

(7) A citation issued under paragraph (1)(a) will result in the following fines:

(a) Erecting, constructing, installing, altering, or relocating an elevator without obtaining a permit, in violation of Section 399.03(1), F.S., will result in a fine of \$250 for the first citation, \$500 for the second citation, \$750 for the third citation, and \$1,000 for the fourth and any subsequent citation.

(b) Operating an elevator or allowing an elevator to operate for temporary use during installation or alteration without a valid temporary operating permit, in violation of Section 399.03(10), F.S., will result in a fine of \$250 for the first citation, \$500 for the second citation, \$750 for the third citation, and \$1,000 for the fourth and any subsequent citation.

(c) Performing work that requires licensure as an elevator inspector without a license or with an expired license, in violation of Section 399.17, F.S., will result in a fine of \$250 for the first citation, \$500 for the second citation, \$750 for the third citation, and \$1,000 for the fourth and any subsequent citation.

(d) Performing work that requires licensure as an elevator technician without a license or with an expired license, in violation of Section 399.01(14), F.S., will result in a fine of \$250 for the first citation,

\$500 for the second citation, \$750 for the third citation, and \$1,000 for the fourth and any subsequent citation.

(e) Employing persons to construct, install, inspect, maintain, or repair any vertical conveyance without a license, in violation of Section 399.01(12), F.S., will result in a fine of \$250 for the first citation, \$500 for the second citation, \$750 for the third citation, and \$1,000 for the fourth and any subsequent citation.

(8) A citation issued under paragraph (1)(b) will result in a fine of \$250 for the first citation, \$500 for the second citation, \$750 for the third citation, and \$1,000 for the fourth and any subsequent citation. Citations issued under paragraph (1)(b) may be dismissed if a valid certificate of operation has been obtained before the citation becomes a final order.

(9) The subject has 30 days from the date the citation is served to accept the citation or request a hearing pursuant to Chapter 120, F.S., in writing. If a hearing is requested, any resulting penalty shall be assessed according to this rule. If the subject does not request a hearing within 30 days after the date the citation is served, the citation will become a final order.

(10) Violations that are not corrected within 90 days of the date the citation has been served will result in the issuance of a new citation for a subsequent offense of the same violation.

(11) All fines are due and payable within 30 days of the date the citation becomes a final order. All fine payments are to be made payable to the Division of Hotels and Restaurants.

(12) 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.

(13) Once the citation becomes a final order, it will be filed in accordance with procedures established for the filing of final orders by the department.

Rulemaking Authority 399.16 FS. Law Implemented 399.105, 399.16 FS. History—New 1-10-12, Amended 6-17-15, 9-1-2021.

61C-5.025 Hydraulic Supply Shut-off Valves.

Hydraulic supply shut-off valves known as “knock-style valves” do not comply with the safety requirements in ASME A17.1 and ASME A17.3, as adopted in Rule 61C-5.001, F.A.C., and referenced in the Florida Building Code. The division hereby determines that any elevator containing this type of valve is in violation of the Florida Building Code. Certified elevator inspectors must cite this violation and elevator owners must correct the violation to obtain a current satisfactory inspection.

Rulemaking Authority 399.02, 399.10 FS. Law Implemented 399.001, 399.061 FS. History—New 7-5-12.