



# IMPORTANT INFORMATION

## Regarding Florida's Elevator Laws



ATTENTION: Elevator Construction and Maintenance Industry

Number: 2001-08

Date: 2001 October 22

SUBJECT: **CHANGES TO CHAPTER 399, FLORIDA STATUTES**

The 2001 Florida Legislature enacted significant changes to Chapter 399, Florida Statutes (FS), regarding elevator safety. The changes take effect on January 1, 2002. This bulletin summarizes some of the most important changes.

1. Direct inspection responsibilities of the Bureau of Elevator Safety are changed to monitoring and oversight of all elevator construction, inspection, maintenance, and repair in Florida. Construction tests, routine inspections, witnessing of periodic tests, and verification of violation corrections will be performed by private Qualified Elevator Inspectors (QEI) retained by the certificate of operation holder; all other responsibilities remain the same. The division may inspect *any* elevator in Florida at any time to determine compliance with the provisions of Chapter 399, FS.
2. New or changed definitions are written into law for the following: Certified Elevator Inspector, Certified Elevator Technician, Elevator Helper, Registered Elevator Company, and Elevator Certificate of Competency.
  - ✧ A *Certified Elevator Inspector* is a person who has acquired the Qualified Elevator Inspector (QEI) credential as prescribed by the American Society of Mechanical Engineers (ASME), registered with the department, and may then inspect, construct, install, maintain, or repair vertical conveyances. The bureau must receive annual proof of completion of 8 hours of continuing education as required to keep the QEI in good standing. [§399.01(16) FS]
  - ✧ A *Certified Elevator Technician* is a person who has acquired an elevator certificate of competency from the division, and may then construct, install, maintain or repair vertical conveyances, and must register annually with the division and provide proof of general liability insurance coverage in a minimum amount set by the division. [§399.01(17) FS]
  - ✧ An *Elevator Helper* is a person performing work to construct, install, maintain, or repair a vertical conveyance under the direct supervision of a Certified Elevator Inspector or Elevator Technician. [§399.01(18) FS]
  - ✧ A *Registered Elevator Company* is authorized by the division to employ persons to inspect, construct, install, maintain, or repair vertical conveyances, and must register annually with the division and provide proof of general liability insurance coverage in a minimum amount set by the division. [§399.01(15) FS]
  - ✧ The division issues elevator *Certificates of Competency* to individuals successfully completing an examination as prescribed by rule and paying the required fee. The application fees are \$50 for the credential and \$50 for the exam. The credential expires annually, and is renewed only upon payment of a \$50 renewal fee and proof of completing 8 hours of continuing education that insures a certificate holder's knowledge of current equipment, codes, laws, and rules. [§399.01(19) FS]
3. The department's enforcement authority is clarified, and any license or certificate of competency issued by the division may be suspended, revoked, or subject to a fine of up to \$1,000 per violation, for any violation listed in §399.049(1)(a-d), FS. Additionally, any violation of Chapter 399, FS, is a second-degree misdemeanor.
4. Any license or certificate of competency may be suspended or revoked for failure to report elevator accidents or incidents to the department within 5 working days after occurrence, or fails to notify the department of a device not in compliance with Florida laws and rules. A fine of \$1,000 per occurrence may also be imposed.
5. All conveyances maintained under a continuous service maintenance contract must be inspected once every two years by a Certified Elevator Inspector. Conveyances not maintained under a maintenance contract must be inspected annually. Inspectors may not be employed by or associated with the company providing the maintenance contract service or installing the conveyance.
6. The department may suspend the certificate of operation of any elevator not in compliance with Chapter 399, FS, or the rules promulgated thereunder. The suspension will remain in effect until the department determines from an inspection that the elevator is in compliance. The elevator certificate of operation must be displayed on the conveyance and the certificate expires July 31 each year. [§399.07(1) (c) FS]
7. Any person who installs, relocates, or alters any elevator without first obtaining a permit or who operates an elevator without a proper certificate of operation as required by Chapter 399, FS, is subject to fines of up to \$1,000 per occurrence; if a permit is issued within 60 days after actual commencement of installation, no fine will be imposed.

### FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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Division of Hotels and Restaurants

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