

CHAPTER 399

ELEVATORS

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

(1) "Alteration" means any change or addition to the equipment other than maintenance, repair, or replacement.

(2) "Certificate of competency" means a document issued by the division which evidences the competency of a person to construct, install, inspect, maintain, or repair any elevator.

(3) "Certificate of operation" means a document that authorizes an elevator owner to operate the elevator and that is issued to the elevator owner when the division finds that the elevator complies with the requirements of this chapter.

(4) "Division" means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(5) "Elevator" means one of the following mechanical devices:

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

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

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

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

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

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

(6) "Elevator company" means any person that constructs, installs, inspects, maintains, or repairs any elevator.

(7) "Service maintenance contract" means a contract that provides for routine examination, lubrication, cleaning, adjustment, replacement of parts, and performance of applicable code-required safety tests on a traction elevator and annual relief pressure test on a hydraulic elevator and any other service, repair, and maintenance sufficient to ensure the safe operation of the elevator.

History.—s. 1, ch. 24096, 1947; s. 1, ch. 57-227; ss. 16, 35, ch. 69-106; s. 10, ch. 71-157; s. 1, ch. 71-228; s. 151, ch. 71-377; s. 1, ch. 81-120; s. 2, ch. 81-318; ss. 1, 16, 17, ch. 83-145; s. 1, ch. 90-73; ss. 1, 8, ch. 93-16; s. 47, ch. 94-218.

399.02 General requirements.—

(1) The division shall adopt by rule an elevator safety code, which applies to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990, and which must be the same as or similar to the latest revision of "The Safety Code For Elevators and Escalators ASME A17.1."

(2)(a) The requirements of this chapter apply to equipment covered by Section 1.1 of the Elevator Safety Code.

(b) The equipment not covered by this chapter includes, but is not limited to, the following: elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences; elevators in television and radio towers; hand-operated dumbwaiters; sewage pump station lifts; automobile parking lifts; and equipment covered in Section 1.2 of the Elevator Safety Code.

(3) The division may grant exceptions to the Elevator Safety Code as authorized by the Elevator Safety Code.

(4) Each elevator shall have a serial number assigned by the division painted on or attached to the elevator car in plain view and also to the driving mechanism. This serial number shall be shown on all required certificates and permits.

(5)(a) The construction permitholder is responsible for the correction of violations and deficiencies until the elevator has been inspected and a certificate of operation has been issued by the division. The construction permitholder is responsible for all tests of new and altered equipment until the elevator has been inspected and a certificate of operation has been issued by the division.

(b) The elevator owner is responsible for the safe operation and proper maintenance of the elevator after it has been inspected and a certificate of operation has been issued by the division. The responsibilities of the elevator owner may be assigned by lease.

(c) The elevator owner shall report to the division 60 days before the expiration of the certificate of operation whether there exists a service maintenance contract, with whom the contract exists, and the details concerning the provisions and implementation of the contract which the division requires. The division shall keep the names of companies with whom the contract exists confidential pursuant to the public records exemption provided in ¹s. 119.14(4)(b)3.; and this exemption is subject

to the Open Government Sunset Review Act in accordance with ²s. 119.14. This annual contract report must be made on forms supplied by the division. The elevator owner must report any material change in the service maintenance contract no fewer than 30 days before the effective date of the change. The division shall determine whether the provisions of the service maintenance contract and its implementation ensure the safe operation of the elevator.

(d) Each elevator company must register and have on file with the division a certificate of comprehensive general liability insurance evidencing coverage limits in the minimum amounts of \$100,000 per person and \$300,000 per occurrence and the name of at least one employee who holds a current certificate of competency issued under s. 399.045.

(6) The division is hereby empowered to carry out all of the provisions of this chapter relating to the inspection and regulation of elevators to provide for the protection of the public health, welfare, and safety.

History.—s. 2, ch. 24096, 1947; s. 2, ch. 57-227; ss. 16, 35, ch. 69-106; ss. 2, 3, 4, ch. 71-228; s. 1, ch. 74-17; s. 4, ch. 77-109; s. 3, ch. 78-235; s. 2, ch. 81-120; s. 2, ch. 81-318; ss. 2, 16, 17, ch. 83-145; s. 2, ch. 90-73; ss. 2, 8, ch. 93-16.

Note.—Repealed by s. 1, ch. 95-217.

Note.—

A. Repealed by s. 1, ch. 95-217.

B. Section 4, ch. 95-217, provides that "[n]otwithstanding any provision of law to the contrary, exemptions from chapter 119, Florida Statutes, or chapter 286, Florida Statutes, which are prescribed by law and are specifically made subject to the Open Government Sunset Review Act in accordance with section 119.14, Florida Statutes, are not subject to review under that act, and are not abrogated by the operation of that act, after October 1, 1995."

399.03 Design, installation, and alteration of elevators.—

(1) Each elevator shall comply with the Elevator Safety Code that was in effect at the time of receipt of application for the construction permit for the elevator.

(2) Each alteration to, or relocation of, an elevator shall comply with the Elevator Safety Code that was in effect at the time of receipt of the application for the construction permit for the alteration or relocation.

(3) When any change is made in the classification of an elevator, the elevator shall comply with all of the requirements of the Elevator Safety Code that were in effect at the time of receipt of the application for the construction permit for the change in classification.

History.—s. 3, ch. 24096, 1947; s. 3, ch. 57-227; ss. 16, 35, ch. 69-106; ss. 5, 6, ch. 71-228; s. 2, ch. 81-318; ss. 3, 16, 17, ch. 83-145; s. 8, ch. 93-16.

399.035 Elevator accessibility requirements for the physically handicapped.—

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

(a) In a building having any elevators that do not provide access to every floor level, elevator hallway call buttons on all main levels of ingress and on any floor that is commonly served by more than one group of elevators must be marked with Arabic and braille symbols that indicate floor levels to which access is provided. The symbols must be placed directly above each call button.

(b) Each elevator car interior must have a support rail on at least one wall. All support rails must be smooth and have no sharp edges and must not be more than 1¹/₂ inches thick or 2¹/₂ inches in diameter. Support rails

must be continuous and a minimum length of 42 inches overall. The inside surface of support rails must be 1¹/₂ inches clear of the car wall. The distance from the top of the support rail to the finished car floor must be at least 31 inches and not more than 33 inches. Padded or tufted material or decorative materials such as wallpaper, vinyl, cloth, or the like may not be used on support rails.

(c) Each elevator covered by this section must be available to be used at any time to assist the physically handicapped in an emergency evacuation. The requirements of the latest revision of Section 211 of the American National Standards Institute standard ANSI A17.1 must be complied with to meet the requirements of this paragraph.

(d) Interior surface of car enclosures must be of fire-resistant material, and walls must be surfaced with non-abrasive material. All materials exposed to the car interior must conform to the standards of the Elevator Safety Code.

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

(f) Any building that has fewer than three stories may be equipped with elevators. Such elevator must have minimum clear-inside-car dimensions of at least 68 inches wide and at least 51 inches deep, the door opening must be at least 36 inches and not centered but at a side of the car, and the inside car control panel must be mounted adjacent to the door opening on the car wall that is adjacent to the door opening.

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

(3) This section applies only to elevators available for the transportation of the public. This section does not apply to elevators restricted by key or similar device to a limited number of persons in a building that has an elevator that otherwise meets the requirements of this section or to elevators used only for the transportation of freight. However, elevators that are used as freight and passenger elevators for the public and employees must comply with this section. This section does not apply to dumbwaiters or escalators.

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

History.—s. 1, ch. 78-235; ss. 1, 3, ch. 80-383; s. 3, ch. 81-120; s. 2, ch. 81-318; ss. 1, 2, ch. 82-183; ss. 4, 16, 17, ch. 83-145; s. 3, ch. 85-236; s. 3, ch. 90-73; ss. 3, 8, ch. 93-16; s. 48, ch. 94-218.

399.045 Certificate of competency.—

(1) Any person may apply to the division for a certificate of competency.

(2) An applicant for a certificate of competency must file a written application on forms supplied by the division, showing to the satisfaction of the division that the applicant:

(a) Has a degree in mechanical or electrical engineering or equivalent work experience in the construction, installation, inspection, maintenance, and repair of elevators as determined by the division by rule; and

(b) Has passed an examination approved by the division covering the construction, installation, inspection, maintenance, and repair of elevators.

(3) Each certificate of competency must be issued for a calendar year and expires at the end of the year. The certificate of competency must be renewed by the division upon payment of the required fee. The initial application for a certificate of competency must be accompanied by a fee of \$100. Each application for renewal of a certificate of competency must be accompanied by a fee of \$50. These fees must be deposited into the Hotel and Restaurant Trust Fund.

(4) The division may suspend or revoke the certificate of competency of any person who has knowingly violated any provision of this chapter, has knowingly filed any false report with the division, or has failed to comply with any order of the division issued under this chapter.

History.—s. 5, ch. 81-120; ss. 5, 10, 17, ch. 83-145; ss. 4, 8, ch. 93-16.

399.05 Construction permits.—

(1)(a) Before any elevator is installed, relocated, or altered, detailed plans and specifications of the elevator, in duplicate, shall be submitted to the division for approval and a construction permit shall be obtained from the division for such work. When plans and specifications have been submitted to and approved by the division, a construction permit shall be issued upon payment of the construction permit fee. The elevator may not be operated until it has been inspected and a certificate of operation has been issued by the division, unless a temporary operation permit has been issued by the division. Prior to issuance of a construction permit to install, relocate, or perform major alterations to an elevator, the elevator company shall have on file with the division a certificate of comprehensive general liability insurance evidencing coverage limits in the minimum amount of \$100,000 per person and \$300,000 per occurrence. The insurance coverage must be maintained until the elevator has been inspected and approved by the division.

(b) Each application for a construction permit must be accompanied by a fee set by rule in an amount not greater than \$450. The fee must be deposited in the Hotel and Restaurant Trust Fund.

(c) Before it commences the alteration of an elevator, an elevator company under contract to perform service must apply to the division for an alteration permit. When time is critical, an elevator company may initiate

the application procedure by obtaining oral approval, by telephone, to commence the alteration; it must then submit a written application and permit fee to the division within 7 working days after receiving the oral approval. When the alteration is completed, the elevator company must contact the state elevator inspector to arrange for an inspection of the alteration. An elevator company which fails to comply with this paragraph is subject to an administrative fine of up to \$500.

(2) The permit holder shall notify the division, in writing, at least 7 days before completion of the work and shall, in the presence of a state elevator inspector, subject the newly installed, relocated, or altered portions of the elevator to the tests required to show that such elevator meets the requirements of this chapter.

History.—s. 5, ch. 24096, 1947; s. 1, ch. 65-12; s. 2, ch. 65-421; ss. 16, 35, ch. 69-106; s. 8, ch. 71-228; s. 5, ch. 75-184; s. 93, ch. 79-164; s. 1, ch. 79-342; s. 9, ch. 81-120; s. 2, ch. 81-318; ss. 6, 16, 17, ch. 83-145; s. 4, ch. 90-73; ss. 5, 8, ch. 93-16.

399.061 Inspections; correction of deficiencies.—

(1)(a) For those elevators subject to this chapter for which a service maintenance contract is not continuously in force, the division shall inspect such elevators at least once between July 1 of any year and June 30 of the next year, the state's fiscal year.

(b) When a service maintenance contract is continuously maintained with an elevator company, the division shall verify with the elevator company before the end of each fiscal year that the contract is in force and is being implemented. An elevator covered by such a service maintenance contract shall be inspected by a state elevator inspector at least once every 2 fiscal years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.

(c) The division may inspect an elevator whenever necessary to ensure its safe operation.

(2) The division shall employ state elevator inspectors to conduct the inspections required by subsection (1). Each state elevator inspector shall hold a certificate of competency issued by the division.

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

(4) When the division determines that an elevator is in violation of this chapter, the division may issue an order to the elevator owner requiring correction of the violation.

History.—s. 10, ch. 81-120; ss. 7, 17, ch. 83-145; s. 1, ch. 85-236; s. 36, ch. 87-225; s. 5, ch. 90-73; s. 8, ch. 93-16.

399.07 Certificates of operation; temporary operation permits; fees.—

(1)(a) A certificate of operation may not be issued until the elevator company supervisor signs an affidavit stating that the elevator company supervisor directly supervised construction or installation of the elevator.

(b) The certificate of operation is valid for a period of 1 year unless sooner suspended or revoked. The division shall by rule adopt a fee schedule for the renewal of certificates of operation. The renewal period commences on August 1 of each year.

(c) The certificate of operation must be posted in a conspicuous location on the elevator and must be framed with a transparent cover.

(d) The division shall charge an annual fee for issuance of a certificate of operation. The fee must be set by rule in an amount not to exceed \$100 for an elevator not covered by a service maintenance contract or \$50 for an elevator covered by a service maintenance contract. However, a renewal application for a certificate of operation filed with the department after expiration date of the certificate must be accompanied by a delinquency fee of \$50 in addition to the annual renewal fee and any other fees required by law. The fees must be deposited into the Hotel and Restaurant Trust Fund.

(2)(a) The division may issue a temporary operation permit authorizing the temporary use of an elevator during installation or alteration of an elevator company or general contractor acting as a general agent of an elevator company. A temporary operation permit may not be issued until the elevator has been inspected by a state elevator inspector and tested under contract load; the hoistway is fully enclosed; the hoistway doors and interlocks are installed; the car is completely enclosed, including door or gate and top; all electrical safety devices are installed and properly functioning; and terminal stopping equipment is in place for a safe runby and proper clearance. When a car is provided with a temporary enclosure, the operating means must be by constant pressure push-button or lever-type switch. The car may not exceed the minimum safe operating speed of the elevator, and the governor tripping speed must be set in accordance with the operating speed of the elevator.

(b) A temporary operation permit must be issued for a period not to exceed 30 days. The permit may be renewed at the discretion of the division.

(c) When a temporary operation permit is issued, the permit, together with a notice bearing a statement that the elevator has not been finally approved by a state elevator inspector, must be conspicuously posted in the elevator.

(d) The division shall charge a fee, set by rule in an amount not greater than \$100, for each temporary operation permit. The fee must be deposited in the Hotel and Restaurant Trust Fund.

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

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

(5) Except as authorized by a temporary operation permit, the operation or use of any newly installed, relocated, or altered elevator is prohibited until the elevator has passed the tests and inspections required by this chapter and a certificate of operation has been issued.

(6) The division may suspend any certificate of operation if it finds that the elevator is not in compliance with

this chapter or of rules adopted under this chapter. The suspension remains in effect until the division determines, by inspection, that the elevator has been brought into compliance.

History.—s. 7, ch. 24096, 1947; s. 11, ch. 25035, 1949; ss. 16, 35, ch. 69-106; s. 11, ch. 71-228; s. 2, ch. 74-115; s. 11, ch. 81-120; s. 2, ch. 81-318; ss. 8, 16, 17, ch. 83-145; s. 6, ch. 90-73; ss. 6, 8, ch. 93-16.

399.10 Enforcement of law.—It shall be the duty of the division to enforce the provisions of this chapter. The division shall have rulemaking authority to carry out the provisions of this chapter.

History.—s. 10, ch. 24096, 1947; ss. 16, 35, ch. 69-106; s. 12, ch. 81-120; s. 2, ch. 81-318; ss. 9, 16, 17, ch. 83-145; s. 8, ch. 93-16.

399.105 Administrative fines.—

(1) Any person who fails to comply with the reporting requirements of s. 399.02 or with the reasonable requests of the division to determine whether the provisions of a service maintenance contract and its implementation assure safe elevator operation is subject to an administrative fine not greater than \$500 in addition to any other penalty provided by law.

(2) Any person who commences the operation, installation, relocation, or alteration of any elevator for which a permit or certificate is required by this chapter without having obtained from the division the permit or certificate is subject to an administrative fine not greater than \$500 in addition to any other penalty provided by law. No fine may be imposed under this subsection for commencing installation without a construction permit if such permit is issued within 60 days after the actual commencement of installation.

(3) An elevator owner who continues to operate an elevator after notice to discontinue its use is subject to an administrative fine not greater than \$500 for each day the elevator has been operated after the service of the notice, in addition to any other penalty provided by law.

(4) An elevator owner who fails to comply with an order issued under s. 399.061(4) within 60 days after its issuance is subject, in addition to any other penalty provided by law, to an administrative fine set by the division in an amount not to exceed \$500.

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

History.—ss. 2, 7, 10, 16, 17, ch. 83-145; ss. 7, 8, ch. 93-16.

399.11 Penalties.—

(1) Any person who violates any of the provisions of this chapter or the rules of the division is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who falsely represents himself or herself as a holder of a certificate of competency issued pursuant to s. 399.045 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 11, ch. 24096, 1947; s. 10, ch. 26484, 1951; s. 4, ch. 65-421; ss. 16, 35, ch. 69-106; s. 346, ch. 71-136; s. 13, ch. 81-120; s. 2, ch. 81-318; ss. 5, 10, 16, 17, ch. 83-145; s. 71, ch. 91-224; s. 8, ch. 93-16; s. 757, ch. 95-148.

399.125 Reporting of elevator accidents; penalties.

Within 5 working days after any accident occurring in or upon any elevator, which accident results in bodily injury or death to any person and which is presumptively caused by the malfunction of the equipment or misuse

by a passenger of the equipment, the elevator owner shall report to the division the date and time of the accident, the location of the elevator involved in the accident, whether there exists a service maintenance contract, and, if so, with whom. Any elevator owner who fails to file such report within 5 working days after an accident is subject to an administrative fine, to be imposed by the division, in an amount not to exceed \$500.

History.—s. 2, ch. 85-236; s. 1, ch. 86-286; s. 8, ch. 93-16; s. 295, ch. 94-119.

399.13 Delegation of authority to municipalities or counties.—

(1) The division may enter into contracts with municipalities or counties under which such municipalities or counties will issue construction permits, temporary operation permits, and certificates of operation; will provide inspection of elevators; and will enforce the Elevator Safety Code, as required by this chapter. Each such agreement shall include a provision that the municipality

or county shall maintain for inspection by the division copies of all applications for permits issued, a copy of each inspection report issued, and proper records showing the number of certificates of operation issued; shall include a provision that each required inspection be conducted by the holder of a certificate of competency issued by the division; and may include such other provisions as the division deems necessary.

(2) The division may make inspections of elevators in such municipality or county for the purpose of determining that the provisions of this chapter are being met and may cancel the contract with any municipality or county which the division finds has failed to comply with such contract or the provisions of this chapter. The amendments to chapter 399 by this act shall apply only to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990.

History.—s. 13, ch. 24096, 1947; s. 5, ch. 65-421; ss. 16, 35, ch. 69-106; s. 12, ch. 71-157; s. 2, ch. 81-318; ss. 11, 16, 17, ch. 83-145; s. 7, ch. 90-73; s. 8, ch. 93-16.