

**Division of Hotels and Restaurants  
 Bureau of Elevator Safety**

# DISCIPLINARY CITATION AND STOP WORK ORDER

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

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

<input type="checkbox"/> 399.03(1), FS: Installing or altering an elevator without a permit	<input type="checkbox"/> 399.03(10), FS: Temporary use of an elevator without a temporary operating permit
<input type="checkbox"/> 399.17, FS: Inspecting without a current certified elevator inspector license	<input type="checkbox"/> 399.01(14) FS: Working without a current certified elevator technician credential
<input type="checkbox"/> 399.07(1), FS: Operating an elevator with a certificate of operation that has been expired for two or more consecutive years.	

Location of Offense: \_\_\_\_\_  
 Description of Offense: \_\_\_\_\_

In accordance with Rule 61C-5.023, Florida Administrative Code, the following penalty is imposed for violation of the aforesaid provision: \_\_\_\_\_ \$250.00 \_\_\_\_\_ \$500.00

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

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

\_\_\_\_\_ (Name) \_\_\_\_\_ (Address)

Issued by: \_\_\_\_\_ (Division Representative Signature) \_\_\_\_\_ (print name)

Received by: \_\_\_\_\_ (Signature)  Refused to Sign

Print Name: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**SUBJECT MUST CHOOSE ONE OF THE FOLLOWING:**

- I choose to **ACCEPT** the fine on the citation.
- I choose to **DISPUTE** the citation and wish to proceed under s. 120.569, F.S. and 120.57, F.S.

Signed \_\_\_\_\_ Date Signed \_\_\_\_\_  
 (Subject or Authorized Representative)

**READ OTHER SIDE FOR RIGHTS AND MAILING INSTRUCTIONS**

## **LEGAL RIGHTS AND MAILING INSTRUCTIONS**

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

(A) You may **ACCEPT** the fine specified on the citation. If you accept, please check the appropriate box and mail the pink copy of the citation, within 30 days of the date the citation was served, **to the following address: Department of Business and Professional Regulation, Bureau of Elevator Safety, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1013**. Once the citation becomes a final order, the Department will send you a copy of the citation with an invoice to pay the specified citation fine. After you have paid the citation fine, the case will be closed with no further action taken by the department.

Citations issued for operating an elevator without a valid certificate of operation for two or more consecutive years will be dismissed if a valid certificate of operation has been obtained before the 90<sup>th</sup> day after the citation has been served. If you obtain a valid certificate of operation before the 90<sup>th</sup> day after the citation has been served, send a copy of that certificate and the yellow copy of the citation **to the following address: Department of Business and Professional Regulation, Bureau of Elevator Safety, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1013**.

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

**NOTE: Violations, for operating an elevator without a valid certificate of operation for two or more consecutive years, which are not corrected within 90 days of the date the citation has been served, shall result in the issuance of a new citation for a second offense of the same violation. If the violation is not corrected within 90 days of the date the second citation has been served, an administrative complaint will be issued for a third offense of the same violation.**

(B) You may **DISPUTE** the facts alleged in the citation and elect to proceed under sections 120.569, F.S. and 120.57, F.S. Florida Statutes. If you dispute, please check the appropriate box and mail the pink copy of the citation, within 30 days of the date the citation was served, **to the following address: Department of Business and Professional Regulation, Bureau of Elevator Safety, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1013**. An Administrative Complaint may be filed thereafter and served upon you. If the department prevails at the hearing, you may be required to pay a fine. Prosecution will be in accordance with Chapters 120 and 399, Florida Statutes. Any fine imposed by a Final Order may be higher or lower than the amount specified in the citation.

**NOTE: An undisputed citation automatically becomes a final order 90 days after it is issued.** If you do not return the citation within 30 days of the date you were served with your choice properly marked, you will have waived your right to have the matter heard, and the citation will automatically become a final order.

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

### **NOTICE OF APPELLATE RIGHTS**

**YOU ARE HEREBY NOTIFIED, pursuant to Sections 120.569(1) and 120.68, Florida Statutes, that you may appeal a citation that becomes a Final Order by filing, within 30 days of the Order date, a Notice of Appeal and appropriate filing fee in the District Court of Appeal for your area and by filing one copy of the Notice of Appeal with the Clerk, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.**

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Laws Subject to Citation:

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

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

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

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

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