



Florida Elevator Safety Code

Administrative Rules

January 18, 2012

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS
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**CHAPTER 61C-5
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FLORIDA ELEVATOR SAFETY CODE

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| 61C-5.001 | Elevators, Dumbwaiters, Escalators, Moving Walks, Manlifts, Inclined and Vertical Wheelchair Lifts and Inclined Stairway Chairlifts. <i>(Amended 4-2-08)</i> |
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61C-5.001 Standards Adopted; Exclusions; and Conflicts.

(1) Adopted Standards. The installation and maintenance of elevators, dumbwaiters, escalators, moving walks, manlifts, inclined and vertical wheelchair lifts, and inclined stairway chairlifts shall be governed by the following standards, which are hereby adopted and incorporated by reference.

(a) Chapter 30, Elevators and Conveying Systems, of the 2004 Florida Building Code, including the 2006 supplements.

(b) American National Standard Guide for Inspection of Elevators, Escalators, and Moving Walks, ASME A17.2-2004; and

(c) The Uniform Fire Safety Standards for Elevators, Chapter 69A-47, Florida Administrative Code, established by the Department of Financial Services.

(2) Exclusions. This rule chapter shall not apply to manlifts, hand-operated dumbwaiters, construction hoists, or other similar temporary lifting or lowering apparatus. The following standards are specifically excluded from Chapter 30, Elevators and Conveying Systems, Florida Building Code, as incorporated by reference.

(a) ASME A90.1, American National Standard Safety Standard for Belt Manlifts;

(b) ASME B20.1, Safety Standard for Conveyors and Related Equipment; and

(c) ALI ALCTV, Safety Requirements for Automotive Lifts.

(3) When conflicts occur between provisions of the Florida Building Code and provisions of other adopted codes, the provisions of the Florida Building Code shall apply.

Specific Authority 399.10 FS. Law Implemented 399.02 FS. History--Amended 10-20-63, 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.

61C-5.0012 Electrolysis Protection for Underground Hydraulic Elevator Cylinders.

All newly installed and replacement underground hydraulic pressure cylinders shall be encased in an outer plastic containment to minimize electrolytic corrosion between the metal cylinder and ground cathode and shall conform to Chapter 30, Section 3009, of the Florida Building Code, as incorporated by reference.

Specific Authority 399.10 FS. Law Implemented 399.02 FS. History--New 9-10-89, Formerly 7C-5.0012, Amended 4-2-08.

61C-5.004 Bulletin Boards.

All bulletin boards and frames used in elevator cars shall conform to Chapter 30, Section 3010, of the Florida Building Code, as incorporated by reference.

Specific Authority 399.10 FS. Law Implemented 399.02 FS. History--New 5-14-79, Amended 8-1-82, Formerly 7C-5.04, Amended 10-31-88, 4-11-91, Formerly 7C-5.004, Amended 2-2-94, 10-4-00, 4-2-08.

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.

Specific 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-5.0052 Falsification of Reports.

Specific Authority 399.02, 399.10, 399.105 FS. Law Implemented 399.105(4) FS. History--New 4-11-91, Formerly 7C-5.0052, Repealed 8-1-96.

61C-5.006 Elevator Fees; Construction and Alteration Permits; Annual Certificates of Operation; Delinquency Fee; Transfer of Ownership; Certificate Replacement.

(1) Application for permit to install or relocate an elevator shall be accompanied by a fee of \$250 and an affidavit of elevator code compliance completed and signed by a Certificate of Competency holder designated by the registered elevator company making application. The appropriate certificate of operation fee specified in paragraph 61C-5.006(4)(a), F.A.C., may be submitted with the application for permit to install or relocate an elevator. 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, for periods not exceeding 90 days each may be allowed. Such extensions shall be in writing and signed by the director of the Division of Hotels and Restaurants.

(a) 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.

(b) Extensions will not be granted when the director 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 of due diligence.

(2) Application for permit to alter an elevator shall be accompanied by a fee of \$200; an affidavit of elevator code compliance completed and signed by a Certificate of Competency holder designated by the registered elevator company making application; and a list of the alterations to be performed under the permit.

(3) The license renewal period of certificates of operation commences on August 1 of each year. 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) Proof of a current satisfactory inspection;

(b) Those elevators or other conveyances not requiring an inspection pursuant to Section 399.061(1)(a), F.S., shall submit proof of a current satisfactory inspection or a notarized statement to the presence of a current service maintenance contract as defined in Section 399.01(10), F.S., which is in compliance with Rule 61C-5.013, F.A.C. The statement shall include the parties to the contract; the beginning and ending dates of the contract; and the date of the most recent routine examination. The length of the service maintenance contract shall equal or exceed the license renewal period;

(c) The license renewal fee; and

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

(4)(a) Until March 1, 2008, certificate of operation fees for elevators are based on whether or not a

service maintenance contract to ensure safe elevator operation is consistently in force, and shall be based on the following schedules:

1. Fees based on type of installation and number of landings. Hand-operated, electric, hydraulic passenger and freight elevators, escalators, side walk elevators, power operated dumbwaiters, material lifts and dumbwaiters with automatic transfer devices, inclined stairway chairlifts, inclined and vertical wheelchair lifts and inclined elevators.

| NUMBER OF LANDINGS | FEE UNDER SERVICE MAINTENANCE CONTRACT | FEE NO SERVICE MAINTENANCE CONTRACT |
|------------------------------------|---|--|
| Elevators serving 0 - 2 landings | \$32 | \$72 |
| Elevators serving 3 - 5 landings | \$36 | \$77 |
| Elevators serving 6 - 10 landings | \$41 | \$81 |
| Elevators serving 11 - 15 landings | \$45 | \$86 |
| Elevators serving Over 15 landings | \$45 | \$90 |

2. Fee based on type of installation, regardless of the number of landings:

| TYPE OF INSTALLATION | FEE UNDER SERVICE MAINTENANCE CONTRACT | FEE NO SERVICE MAINTENANCE CONTRACT |
|--|---|--|
| Special purpose Elevators, Manlifts, Moving Walks | \$45 | \$90 |

(b) Beginning March 1, 2008, certificate of operation fees will no longer be based on the existence of a service maintenance contract or the number of landings. 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 | LU/LA (Limited Use/Limited Application) | 09 |
| Hydraulic Passenger | 02 | Dumbwaiter | 10 |
| Traction Freight | 03 | Escalator | 12 |
| 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 |

(5) Certificate of operation renewal is the responsibility of the elevator owner or lessee, when owner responsibilities are specifically assigned by lease. It is the responsibility of the current owner to notify the division in writing within 30 days after transfer of ownership or lease assignment. A new certificate of operation will be issued to the new owner or lessee upon receipt of notification. No fee will be charged for processing a transfer of ownership or lease assignment.

(6) Replacement of a mutilated or lost certificate of operation shall be provided to the owner when a request is submitted to the division. Such requests must include the elevator serial 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.

Specific Authority 399.02, 399.03, 399.07(1), 399.10 FS. Law Implemented 399.03, 399.061, 399.07 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.

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

(1)(a) Each initial certificate of competency and each initial registration for a certified elevator technician, certified elevator inspector, or elevator company license shall be valid for the remainder of the calendar year.

(b) Except as otherwise specified in this rule, renewal certificates of competency and annual licenses shall be valid January 1 through December 31. 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.

(c) 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.

(d) 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 renewal.

(2) Certificate of Competency. Pursuant to Sections 399.01(14) and (16), F.S., the certificate of competency is a credential only and does not authorize any work to be performed. A certificate of competency holder must register with and obtain a license from the division as a certified elevator technician before constructing, installing, maintaining or repairing an elevator or as a certified elevator inspector before constructing, installing, maintaining, repairing or inspecting an elevator.

(a) Initial. The following items are required for an initial certificate of competency and must be received by the division before a certificate of competency may be issued:

1. DBPR HR-7014, APPLICATION FOR CERTIFICATE OF COMPETENCY AND CERTIFIED ELEVATOR TECHNICIAN REGISTRATION, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00598>) incorporated herein by reference and effective August 16, 2011;

2. The \$50 fee; and

3. One of the following:

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

b. Proof of successful completion of the requirements specified in Section 399.01(16)(a), F.S. Applicants qualifying by examination must provide proof of passage of the certificate of competency examination, mechanics examination, or elevator technician examination conducted by the division or an approved provider covering 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.

(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.

(d) Information on completing DBPR HR-7014 is provided in DBPR HR-7014i, INSTRUCTIONS FOR COMPLETING DBPR HR-7014 APPLICATION FOR CERTIFICATE OF COMPETENCY AND CERTIFIED ELEVATOR TECHNICIAN REGISTRATION, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00599>) incorporated herein by reference and effective August 16, 2011.

(3) Certified Elevator Technician. Each natural person desiring to perform the duties of a certified elevator technician must annually register with and be licensed by the division before constructing, installing, maintaining, or repairing an elevator.

(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. Each person desiring to perform the duties of a certified elevator inspector must annually register with and be licensed by the division before constructing, installing, inspecting, maintaining, or repairing an elevator.

(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-00597>) incorporated herein by reference and effective August 16, 2011;

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.

(d) Information on completing DBPR HR-7017 is provided in DBPR HR-7017i, INSTRUCTIONS FOR COMPLETING DBPR HR-7017 APPLICATION FOR CERTIFIED ELEVATOR INSPECTOR REGISTRATION, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00596>) incorporated herein by reference and effective August 16, 2011.

(5) Registered Elevator Companies. Each elevator company employing a person or persons to construct, install, inspect, maintain, or repair any vertical conveyance regulated by the bureau, must annually register with and be licensed by the division.

(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-00600>) incorporated herein by reference and effective August 16, 2011;

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.

(c) Information on completing DBPR HR-7026 is provided in DBPR HR-7026i, INSTRUCTIONS FOR COMPLETING DBPR HR-7026 APPLICATION FOR ELEVATOR COMPANY REGISTRATION, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00601>) incorporated herein by reference and effective August 16, 2011.

(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 www.MyFloridaLicense.com/dbpr/hr; by e-mail to dhr.elevators@dbpr.state.fl.us; or upon written request to the Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, 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), 299.17 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.

61C-5.008 Definitions.

When used in this rule, 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 bureau for the purpose of satisfying continuing education requirements established in Chapter 399, Florida Statutes.
- (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 bureau 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(16), Florida Statutes, 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 require modification or a rating change to the existing equipment, add new functionality, or violate any provision of Chapter 399, F.S., this rule, or the elevator safety codes 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 section 61C-5.008(3).

Rulemaking Authority 399.01, 399.02, FS. Law Implemented 399.01(17), FS. History—New 11-9-06, Amended 1-18-12.

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 bureau 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.

(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.

(2) Course Provider Registration.

(a) Each course provider must register with the bureau 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, incorporated herein by reference and effective 2011 July 15, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00260>. Instructions for completing DBPR Form HR 5023-017 are available in DBPR Form HR 5023-017i, INSTRUCTIONS FOR COMPLETING DBPR Form HR 5023-017 APPLICATION FOR COURSE PROVIDER REGISTRATION AND COURSE APPROVAL, incorporated herein by reference and effective 2011 July 15, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00261>. Copies of these forms are available from the Division of Hotels and Restaurants Internet website at www.MyFloridaLicense.com/dbpr/hr; by e-mail to dhr.elevators@dbpr.state.fl.us; or upon written request to the Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, 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 bureau written notice of any material changes to information contained in its most recent application for, or renewal of, registration no later than 30 days after such a change.

(f) The bureau 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 bureau's minimum requirements set out in this rule. The bureau 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 bureau 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 bureau 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 bureau with copies of any document or other information required to be maintained by the course provider pursuant to this rule.

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 bureau to implement that section.

10. Failure to include the course identification number 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 bureau. 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; a sample of the certificate provided upon completion of the course; and the course identification number, if known. If the course provider does not submit a unique course identification number with the application, the bureau shall assign each approved course a unique identification number. The bureau may request additional information as necessary to consider the course for approval.

(d) Any course denied approval may be modified and resubmitted for approval.

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

(f) Course approval is subject to continued compliance with the bureau's minimum requirements set out in this rule. The bureau 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 bureau 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 bureau 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; 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 bureau in writing of any material changes to the information required by this subsection within 30 days of such change.

(i) The bureau 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.

(a) 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. 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 bureau;
2. Current certification under the American Society of Mechanical Engineers standards as a Qualified Elevator Inspector;
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 bureau. 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 bureau certification or registration number and type of 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 time, date and address of the course session, the attendee's printed name, signature, and bureau certification or registration number and type, 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.

(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 bureau; the course instructor's name and signature, and the unique course identification number.

(6) Advertising Continuing Education Courses.

(a) A course provider may not advertise a course as approved by the bureau 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 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.

61C-5.009 Venting of Hoistways, Minimum Requirements.

Hoistways of elevators serving more than three stories shall be provided with means for venting smoke and hot gases to the outer air in case of fire. Hoistway vents shall conform to Chapter 30, Section 3004, of the Florida Building Code, as incorporated by reference.

Specific Authority 399.02 FS. Law Implemented 399.02 FS. History--New 7-12-83, Formerly 7C-5.09, Amended 11-1-87, 10-31-88, Formerly 7C-5.009, Amended 2-2-94, 10-04-00, 4-2-08.

61C-5.011 Alterations to Electric and Hydraulic Elevators and Escalators.

All alterations set forth in Chapter 30, Section 3011 of the Florida Building Code, as incorporated by reference, require that inspections and tests be performed to determine conformance with the ASME A17.1. Replacement of the critical system components referenced in Chapter 30, Section 3011 of the Florida Building Code, as incorporated by reference, shall require an alteration permit and satisfactory completion of all tests listed.

Specific Authority 399.02 FS. Law Implemented 399.02 FS. History--New 2-11-92, Formerly 7C-5.0011, Amended 8-1-96, 10-4-00, 4-2-08.

61C-5.012 Elevator Accessibility for Americans with Disabilities.

Specific Authority 399.02 FS. Law Implemented 399.02 FS. History--New 2-2-94, Repealed 8-1-96.

61C-5.013 Service Maintenance Contracts.

(1) For the purpose of this chapter, the term "routine examination" as it relates to the definition of a service maintenance contract means:

(a) Registered elevator companies that enter into service maintenance contracts with elevator owners must follow the procedures within the scope of ASME A17.2, as incorporated by reference, for routine examinations and periodic safety tests of elevators;

(b) The periodic safety tests required by ASME A17.1 and its latest Addendas and supplements, as reference in the Florida Building Code, must be conducted within the time frames established by that standard;

(c) The routine examination by registered elevator companies shall be performed at least on a yearly basis; and

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

(2) If the periodic safety tests required by ASME A17.1 and its latest Addendas and supplements, as referenced in the Florida Building Code, are not included in a service maintenance contract, the service contract will not be valid and will not be considered to be a service maintenance contract as defined by Section 399.01(10), Florida Statutes.

(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), Florida Statutes, must notify the division in writing within 30 days of cancellation, termination, or expiration of the service maintenance contract. For the purpose of this section, notification is not required if the service maintenance contract is renewed or a new contract is executed within 30 days of cancellation, termination, or expirations, provided that proper notification of the terms of the new or renewed contract is submitted by the registered elevator company on letterhead attesting to the existence of a service maintenance agreement 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), Florida Statutes, must notify the division in writing within 30 days of transfer of service maintenance contract ownership.

(5) Written notifications shall be mailed to the Bureau of Elevator Safety, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

Specific Authority 399.02 FS. Law Implemented 399.01 FS. History--New 2-2-94, Amended 10-4-00, 4-2-08.

61C-5.015 Enforcement and Penalties.

Specific Authority 399.02 FS. Law Implemented 399.105 FS. History--New 2-2-94, Repealed 8-1-96.

61C-5.016 Elevator Safety Technical Advisory Council.

The Elevator Safety Technical Advisory Council shall consist of eight members appointed by the secretary of the department. Each of the representatives shall serve 4-year terms except, to provide for staggered terms as specified in statute, four of the initial appointees shall serve 2-year terms. The council representatives that shall serve an initial 2-year term of service are as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from a building design profession; one representative of labor involved in the installation, maintenance, and repair of elevators; and one representative of a local government in this state. The council representatives that shall serve an initial 4-year term of service are as follows; one representative from an elevator servicing company; one representative of the general public; one representative of a building owner or manager; and one representative who is a certified elevator inspector from a private inspection service. All subsequent appointments shall be for 4-year terms.

Specific Authority 399.1061, FS. Law Implemented 399.10, 399.1061, FS. History—New 10-20-04.

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 www.MyFloridaLicense.com/dbpr/hr; by e-mail to dhr.elevators@dbpr.state.fl.us; or upon written request to the Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. Each variance request must be accompanied by a copy of the certificate of operation, if issued, and supportive materials and documents providing the information necessary for rendering a decision. 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.

61C-5.023 Citations.

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

(a) Performing work without a valid permit or license, or operating an elevator without a valid temporary operating permit as required under Chapter 399, F.S.

(b) Operating an elevator with a certificate of operation that has been expired for two or more consecutive years.

(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, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00706>) incorporated herein by reference and effective September 29, 2011. 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 www.MyFloridaLicense.com/dbpr/hr; by e-mail to dhr.elevators@dbpr.state.fl.us; or upon written request to the Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, 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 drivers 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) A citation issued under paragraph (1)(a) will result in the following fines:

(a) 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 offense and \$500 for the second offense.

(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 offense and \$500 for the second offense.

(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 offense and \$500 for the second offense.

(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 offense and \$500 for the second offense.

(7) A citation issued under paragraph (1)(b) will result in a fine of \$250 for the first offense and \$500 for the second offense. Citations issued under paragraph (1)(b) will be dismissed if a valid certificate of operation has been obtained before the citation becomes a final order.

(8) The division will issue a citation for first and second offenses of the same violation. A third offense of the same violation will result in the issuance of an administrative complaint.

(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 the subject does not request a hearing within 30 days after the date the citation is served, the citation will become a final order on the 90th day after the day the citation has been served.

(10) Violations of paragraph (1)(b) 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 second 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.