

**Florida Department of Business and Professional Regulation
Elevator Safety Technical Advisory Council
Meeting Minutes for May 5, 2015
Reedy Creek Improvement District Office – Lake Buena Vista, FL**

This document is not intended as a transcript

Members present: John Antona (Chair): Tim Newton (Vice Chair), Tim Mowrey, Bill Snyder, Jerry Wooldridge

Guests present: Michelle Comingore – Bureau Chief, Doug Melvin – Deputy Chief, Karen Shivers – Bureau AA III, Michael Chavez – Miami Dade County

I Call To Order: 9:10 a.m Chair John Antona

II Opening Remarks Chair John Antona

ESTAC Chair John Antona asked for roll call (see above list of members and guests present), made opening remarks and introductions, and recognized visitors. Chair John Antona thanked everyone for their service to ESTAC and thanked Reedy Creek

III Bureau Focus - update Chief Michelle Comingore

Chair John Antona introduced Bureau Chief Michelle Comingore for an update on the Bureau Focus.

Bureau Chief Michelle Comingore, thanked Reedy Creek for hosting ESTAC and she talked about her goals for the Bureau. Bureau Chief Michelle Comingore also discussed communication with the industry and customer service. She discussed our newest inspector Scott Crowl; he covers Brevard, Volusia and Seminole Counties. She then went over delinquent elevators and our compliance rate. Renewals opened up on May 2 online. There are no major accidents to report. Discussed current rules she is working on - 61C-5.013, relating to periodic tests, and 61C-5.023, relating to the citation form and how it is processed. She also thanked everyone for their service to the state and for providing technical expertise and general direction. Chair John Antona thanked Bureau Chief Michelle Comingore for this opportunity and help in the future so communication can be better.

IV. Meeting Business Chair John Antona

A. Review and Adoption of Minutes Members

Vice Chair Tim Newton made motion to accept minutes
Bill Snyder seconded motion
Motion passed

B. Meeting Agenda Topics and Discussion Chair, Members, BES

1. Old Business Chair John Antona

a. 61C-5.013(1)(c), Periodic Test results & Witnessing: Rule Hearing April 8, Written comments due April 18; A17.1 requires that QEI/CEI inspectors submit written periodic test results to the bureau or AHJ w/in 30 days of the test date. *ESTAC members will review and comment* (see Reference Items)

Chair John Antona discussed forms. Vice Chair Tim Newton said per last meeting it never went through, asked if before Bureau changes rules to let them know so they can give feedback. Chief Michelle Comingore asked if we needed to meet or can this be email communication? Feedback was discussed and Chief Michelle Comingore that we have received some feedback. Chair John Antona asked why people are saying not just a test but measurements, clearances need to be taken, does not remember seeing new forms. Bill Snyder said he did not understand why they do not want to measure because they are signing a form with date, type of test, detailed results, etc. Bill Snyder said ASME has test 1, 3 and 5 listed in the code book.

Discussion continued Chief Michelle Comingore said we could change ASME or a scannable form but it will be a slow process and she is not sure how we are going to use it at our level and if we need this or can it be kept in machine room? Vice Chair Tim Newton thought this is a good idea asked how we store data and can it remain on site and be a permanent paper on elevator? Bill Snyder said it is code we do this but could rule be changed? Chief Michelle Comingore said we are modifying code to change to data remain on site. Jerry Wooldridge said how about electronically and copy at job site?

Deputy Chief Doug Melvin talked about his forms having check for periodic test but has page 2 then 3 is all items must witness required to send to them on internet- said can be looked up online. Vice Chair Tim Newton said Bureau needs to decide if they want to invest in technology and/or manpower? We are talking about the results of the periodic test not just checking the periodic test bubble but having the actual results of the tests. Mike Chavez, explained how they handle this electronically in Miami Dade County.

Deputy Chief Doug Melvin asked if there was a way to streamline form. This was discussed on how to change form a little. Form can easily be made into a fillable pdf per Bill Snyder. Chief Michelle Comingore said we need to see what can be done with forms, she will get with our technology and see what our options are and if we can put online that would be great.

Bill Snyder asked how we attach them to inspection report, he also suggest until we figure it out we not pursue it further and when we do have an implementation period so once we have the format it give inspectors time to get with their software provides to see how they can handle. Chief Michelle Comingore also stated that this periodic rule could be in wrong place in our rules under contracts and asked if anyone agreed this should be a stand-alone rule instead of falling under service maintenance contract? Most agreed this should be stand-alone. Chair John Antona, discussed it being under the service maintenance contract. Chief Michelle Comingore said it would be noted. Decided that DBPR would work out the details. Chief Michelle Comingore said most likely we will have to withdraw the rule.

- b. 399.035(2) refers to "Any building that is more than three stories...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"; DBPR-OLA can submit next session with the 84 X 24 dimensions.

Chair John Antona, said FBC needs to be changed first, correct? The architect will look at FBC before he looks at IBC. Bill Snyder said Miami Dade said statute not just in rule and the statue should remove or change to larger size. Deputy Chief Doug Melvin said we will submit to Legislative Affairs. Chair John Antona, asked that Bureau keep them informed. Jerry Wooldridge asked if anyone had checked Fire prevention code on stretcher (NFPA)? Chief Michelle Comingore will pursue 84 X 24.

BREAK – 15 MINUTES

- c. The (IBC) International Building Code (3002.4) has rewritten this requirement to accommodate a 84" x 24" with a minimum 5" rounded or chamfered corners. 2014

Basically discussed in b above. Bureau Chief Michelle will pursue the 84 X 24.

- d. Maintenance Control Program in A17.1-2013 requires PBC A17.7 code

compliance documents, certificate of conformance to be included in the MCP (see Reference Items);

Deputy Chief Doug Melvin said we need to adopt MCP in 2013 rule – he had a comment to move MCP to a new rule including inspections.

Bill Snyder said so we are not going to adopt A17.1 2013 and Deputy Chief Doug Melvin said he does not think right now we can adopt the entire thing, but comments were that we adopt a section of it, we have moved forward from the 2010.

Bill Snyder stated that the elevator code does not match the FBC.

Deputy Chief Doug Melvin said there was a time the FBC was operating on its own so we ended up with a hybrid code.

Chair John Antona asked how long would it take to adopt a rule from ASME A17.1 2013? It takes approx. 3 years. He also said MCP keeps coming up. Chief Michelle Comingore will check into this.

Deputy Chief Doug Melvin said FBC is working off IBC.

Chair John Antona, asked if they could keep them informed. Chief Michelle Comingore to get with FBC and what can be done.

Chair John Antona said that a rule for MCP would be the fastest way to go forward with this and then do the entire A17.1 2013 when we can do it. As far as the Occupant evacuation and fire service we can do variances. They discussed certificate of conformance and expiration.

Motion to adopt A17.1 2013 Section 8.6 in its entirety (MCP) by Chair Antona

Tim Mowrey seconded motion

Motion passed

Tim Newton opposed motion

- e. *FAC 61C-5.006(1)(a) Cab Remodel New Rule eff. Dec 29, 2014 “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, FAC, or meets the definition of an alteration, as defined in section 399.01(1), FS, requires an alteration permit. A replacement, as defined in Rule 61C-5.008, FAC, does not require an alteration permit. See reference for Replacement (see Reference Items)*

Bill Snyder what change to a cab requires a physical test? He says that is a test to make sure components stay in place. But test is not required by the code.

Someone said greater than 5% change in weight (increase or decrease). No test mentioned in code. Then went over what needs a permit.

Chair John Antona said the reason for a permit is to have an elevator company do the work.

Bill Snyder said we seem to have gotten permit and test mixed up and inspection or test.

Vice Chair Tim Newton stated that the premise is good whether they need to be inspected whether permitted or not is you know. And your predecessor said if it is not permitted it not going to be inspected. There is rationale for doing this so someone responsible can do the work.

Chair John Antona said it is worded a little loose.

Deputy Chief Doug Melvin said goal was to look at it and make sure it was not worded loose. Also discussed replacement of material with and without code compliant material.

Chair John Antona said this rule is already in effect so we were just reading the rule and discussing.

- f. Alteration is anything installed, replaced that needs a test, per Ch. 30, 3012.1; see reference (see Reference Items)

Deputy Chief Doug Melvin said we have already discussed alterations.

- g. Develop a list of MCP items from ASME A17.1-2013, 8.6.1.1 to 8.6.1.7; discuss to adopt as a rule.

Discussed previously and voted on submitting as a rule (see d above)

- h. A17.1-2013, Alternative Testing 8.6.4.20.1 – 10; discuss to adopt as a rule
Car and Counterweight Safeties, Car Oil Buffers, Driving Machine Brakes, Braking systems – Traction;
 - 8.6.11.10.2 – Alternative test methods and tools
 - 8.6.11.10.3 – Alternative test method procedures
 - 8.6.11.10.4 – Alternative test method report

Bill Snyder said if we adopt the 8.6 we discussed this is in 8.6.
Chair John Antona said he is all for alternative testing.

Discussed previously and voted on submitting as a rule. (See d above)

- i. Hydro Lift (pit flooding)

Member Mowrey

Tim Mowrey, this is a cargo lift- no safety – being controlled by a clicker, people hurt- no hoistway, hangs on side of building, the door lock is an option. Tim was told they were told not to ride these. This is the local building dept. These are excluded per residential – there is nothing we can do as they are considered residential.

Vice Chair Tim Newton asked when you have a flood prone area like in South Florida how do they allow the pump units for units to be placed below the flood plain.

Michael Chavez (I think) said they don't, not unless the pumping units are certified or below the 100 year flood plain. They need to be water resistant to 30 feet before they can be installed. Should not be putting pumps in flood plain.

2. New Business

Chair

- a. 399.03(7) & (8) & (9) referring to the "Each elevator shall comply with the edition of the Florida Building Code or Elevator Safety Code that was in effect at the time of receipt of application for the elevator construction permit", also permit to alter or relocate, & change in classification. *These statements unclear*

Chair John Antona says the one statement that always seems to bother him when he was in Miami Beach was that you have a building contractor that comes in and pulls a permit for a building that is designed under the 2007 building code and the building dept. accepts that as being the current code at the time he comes in and the drawings are approved for the 2007 code. The elevator drawings that are a part of the design are approved with the code in effect on the 2007 code, but then the elevator company comes in say 2 years later to get a permit and now we have a new elevator code. He said elevator permit should adhere to date of building permit. Bldg permit is the one that dictates the code at the time.

Vice Chair Tim Newton said this has been discussed numerous times and 399.03(4)(a) states if the building progress stops for 6 months or more then the elevator permit expires along with building permit. And that is what most building authorities say. They started running into the monitors started cancelling the permits. If the interpretation says as long as building progresses the elevator permit is good. Another code change June 30th.

Chair John Antona asked what do we do? We take the word elevator out and say building construction permit/ alteration that would clarify since it should cover.

Jerry Wooldridge says put construction permit/alteration.

Bureau Chief Michelle Comingore says there are three different sections of statute and we will need to check wording in each section. Bureau Chief Michelle Comingore says Legislature should be open to this as they want to improve Florida and promote as being pro-business.

Requesting to have legislative change.

Motion by Jerry Wooldridge to change wording in 399.03 (7) referring to each elevator shall comply with the edition of the Florida Building Code and Elevator Safety Code that was in effect at the time of receipt of application for the construction permit or building permit so **change** the word **elevator** to **building construction permit**

Bill Snyder seconded motion

Motion passed unanimously

Chair John Antona wants to see it before it goes in – Bureau Chief Michelle Comingore said yes.

b. Florida Building Code, Chapter 30-2014,

Deputy Chief Doug Melvin says this it to bring you up to speed; everyone has seen the latest version of the Florida Building Code that will be effective June 30, 2015, and basically he has been through this several times and there are a bunch of housekeeping errors because what they did in Section 3007 and 3008 was 2012 IBC came along and they changed what was in the 2010 code and just basically renumbered a bunch of stuff and there are only a couple of housekeeping items, he went over them.

c. HB 915, FBC, only one fire service access elevator required

Deputy Chief Doug Melvin said active house bill, but since Legislators went home - now may be a dead bill until they bring something like it back next time.

Chair John Antona said it was in FBC

3. Motions, Topics Matrices & Member Updates

Chair

a. Motions, Topics

Chair John Antona went through the

Topics- Chair John Antona, provided a list of topics and we went over them

T-49 – 5 year moratorium on Phase II only applies to Phase II- Closed

T-52- Review FAC 61C-5 some issues tabled residential elevator inspections- White paper from Chair John Antona and Tim Mowrey not ready yet.

T-53 - Done

T-54 – MCP discussed today – pending

T-57 – Remote resetting – last meeting it was decided remote resetting was not allowable -Verify memo for next meeting.

T-58 – Hydrolift- closed

T-59 – A17.7 Performance-based code- closed

Motions- Chair John Antona went over Motions

M- 24 – Remove Residential Elevator exemption from FS and require initial inspection for new installations and in the change of ownership process- reinstated- need to finalize paper before proceeding with this- Tim M and John A to complete paper

M-25 – Withdraw glitch modification- withdrawn- closed

M-26 – During alteration acceptance process, inspector shall be required to perform an annual/routine inspection to clear the alteration and any other violations – need clarification- need two forms one alteration inspection to clear permit to alteration and one to clear the annual inspection- need bulletin

M-27 – Any cab alteration requires Permit and Inspection process Industry Bulletin required per 5.21.2013 minutes, bulletin-re-discussed- closed

b. Member Updates

(1) Pressure equalization vents being required to be installed in elevator

hoistways for flood insurance requirement by FEMA

Member Bill Snyder

Bill Snyder said he has found more technical documents on this and it is all in flood zone based on flood plain elevation. Discussed if you do not have break away walls, which typically elevator hoistways do not have - he is researching, the problem is when they start to renew insurance premiums, it is probably a 50% increase in premium. Problem is hoistways are fire rated enclosures. Most of these devices that they have for installation are not fire rated assemblies - Discussed further and we do not deal with hoistways, it is a building official issue. Engineering design issue.

(2) ASME Codes and Standards Development Committees – Clearwater update

Bill Snyder said this was previous code meetings in January.

4. General Discussion
- a. Open Forum

Chair

Jerry Wooldridge- Discussed the parking garage they just built- required them to put guard rails on escalators, but now not sure they are needed. Has state done anything to get this info out? NFPA 101 requires guards- state law requires guard. Jerry Wooldridge read the NFPA 101 annex code to the committee. And also it is state law- Fire Marshals are not enforcing it. They are around the country just not here. Discussed heights required and ergonomically that they are higher. Discussed that it would be harder for the elderly as they do not have upper body strength. Fire Marshal's job to get the word out on this.

Jerry Wooldridge said ESTAC also needs to get the word out to make sure we do things according to law. Hand rails can be made taller, but we need to see what we need to do.

Bureau Chief Michelle Comingore made a note for her to get with Fire Marshal.

Vice Chair Tim Newton asked Bureau Chief Michelle Comingore what would help the industry is any time the bureau changes the way they enforce something give a directive to the field like to the inspectors that they please share that with the Industry – because we usually find out when we go to an inspection and they say “oh, no, today is different” and when you fail an inspection there are a lot of people involved that will have to come back to redo if whatever is incorrect cannot be corrected then. Also wants consistency in enforcement and make sure they know what requirements are and that everyone has the same requirements across the board. Wants us all on the same page.

Tim Mowrey said perhaps Industry Bulletins when something changes.

Bill Snyder said that a couple of months ago he knew we had all inspectors together for training.

Deputy Chief Doug Melvin said yes and wants everyone hearing the same message.

Bureau Chief Michelle Comingore said we are trying, but as we can see everyone interprets them differently, but we are trying to get everyone on the same page.

Vice Chair Tim Newton asked at meeting did they discuss how exactly a monitor inspector is to behave or how much involvement he would have at an initial inspection and what are they there for? –

Deputy Chief Doug Melvin said they are there to witness the initial installation and we have had discussions with the inspectors before where they are not to direct the initial inspection in any way they are only supposed to witness it and then to report back and write up report.

Someone asked if they also evaluate the private inspector and was told they do, but generally not at the same time as the initial inspection.

Vice Chair Tim Newton asked what if state inspector disagrees what happens?

Deputy Chief Doug Melvin said the way it is supposed to happen is they are supposed to come to an agreement to be able not to direct the initial inspection, but understand why they have a discrepancy.

Vice Chair said what if they still disagree what happens and state inspector writes up a violation what does state do with that information?

Deputy Chief Doug Melvin said he has not had that occurrence that he can recall, but the best thing we can do without a confrontation is send a new inspector out next week to do a follow-up and make sure we are getting the right information.

Vice Chair Tim Newton said in the real world the inspector tells them he can get their license.

Deputy Chief Doug Melvin said we have not had any complaints.

Vice Chair Tim Newton said because the inspector says they can take their license. He will send Deputy Chief Doug Melvin a note with details. Vice Chair Tim Newton would like to see a procedure for this so no disputes. Deputy Chief Doug Melvin says this is supposed to be a learning exercise.

Chair John Antona asked that minutes get out to them sooner.

Karen Shivers said she has them typed up by the next week and gives to Bureau Chief and they send it out after they review it. They have been sending out with agenda in the past.

Bureau Chief Michelle Comingore said she will get them out quickly.

b. Agenda items for next meeting

c. Agenda assignments for next meeting

Chair John Antona and Tim Mowrey Pending assignment- paper for residential elevators. Tim Mowrey said he had submitted some information on this already and Chair John Antona said he now has to do his job.

Bureau Chief Michelle Comingore to get with Fire Marshal on escalator safety rails

C. Next Meeting Date/Place-

Chair

November 17, 2015, ESTAC at Reedy Creek @ 9:00 a.m.

November 18, 2015, Contracted Jurisdiction meeting at Reedy Creek @ 9:00 a.m.

Chair John Antona asked if everyone agreed for meeting date and time

Asked if all in favor – everyone agreed

V. Closing Remarks and Adjourn

Chair

Chair John Antona said he thinks we had a nice meeting; we exchanged some good information and thanked everyone for attending and giving us a good start and we look forward to the next meeting.

Tim Mowrey thanked Bureau Chief Michelle Comingore and said they will support her from the private sector however they can and he is looking forward to working with her.

Bureau Chief Michelle Comingore said she really wants us all to work together so she appreciates that.

Tim Mowrey made motion to adjourn

Bill Snyder seconded

Meeting adjourned at 12:21 p.m.