

**Florida Department of Business and Professional Regulation  
Elevator Safety Technical Advisory Council  
Meeting Minutes for November 17, 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, Charles Waters, Jerry Wooldridge

**Guests present:** Michelle Comingore – Bureau Chief, Karen Shivers – Bureau AA III, Michael Chavez – Miami Dade County, Joey Gann- City of Miami Beach, Lee Rigby

**I. Call To Order: 9:05 a.m.**

**II. Opening Remarks**

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

**III. Previous Meeting Minutes**

Tim Mowrey made motion to accept minutes  
Charles Waters seconded motion.  
Motion approved and minutes passed

**IV. Bureau Focus - update**

Chief Comingore thanked Reedy Creek for hosting ESTAC, also mentioned holding next ESTAC meeting in Tallahassee.

Tim Mowrey offered his office and to walk us through his shop.

Everyone agreed to Tallahassee and Chair Antona said maybe a field trip to Tim's shop.

Chief Comingore said she would like to have our inspectors visit and stated that all Bureau staff positions are filled. She then went over delinquent elevators (94% compliance rate) and noted that the bureau is processing variances as they are submitted. Discussed recent change to when citations are issued, based on length of delinquency. Also professional renewals and credentials opened up on October 15 and due by 12/31/2015. Noted an increase in CC's and CET's, but a decline in inspectors and elevator companies. Accidents reported for 14/15 was 497 accidents reported - an increase over last few years.

Chief Comingore went over 3 rule changes- variances, sump pumps with alarm systems, and the definition of replacement.

Tim Mowrey asked how many accident reports were residential.

Chief Comingore stated that since the Bureau does not license residential, we do not have that information.

Chair Antona said the only way to know this would be to license residential elevators. Discussed how deaths were noted, probably police.

## **V. Old Business**

### **A. ASME A17.1-2013, Section 8.6 ESTAC motion passed to adopt as a rule in May 2015**

Chief Comingore stated she looked through 8.6 section and there are a lot of references back to other sections of the codes and that made her concerned that if we adopt just Section 8.6 that it's going to reference other things that have to be done or comply with that would be different in 2013 in some way from 2009.

Vice Chair Newton said that is always a question, but since we are just taking Section 8 and not parts of Section 8, he does not see any conflict.

Chair Antona, said we are only referring to the MCP.

Vice Chair Newton said they do not know if there is any real conflict there and if there are any that come up obviously we could work through them, maybe adopt by rule.

Chief Comingore says we cannot enforce the 2013 code.

Vice Chair Newton said we could use it as a reference.

Chief Comingore said yes, but we could not require someone to comply with it.

Chair Anton, said she had a good point because sometime when you take a piece of new code when we are not enforcing that code, that may refer to another item in the 2013 code, it may cause some issues. He stated from the beginning the whole point was to clarify the MCP because in the 2009 code the MCP was not clear and in the 2013 it was clarified. Chair Antona asked if they agreed with him that we should incorporate it?

Jerry Wooldridge stated if you have a reference the reference is included.

Chief Comingore said to adopt it we need to set an effective date in the future and the process can take about 90 days.

It was discussed that we do this and then the 2013 code be approved before this can go into effect.

Chief Comingore stated that as long as the FBC has 2009 we have to stay with 2009.

Chair Antona asked when the next FBC meets to adopt new code?

Chief Comingore said she is not sure when meeting is but comments are due in January 2016.

All agreed to proceed with adoption of s. 8.6, ASME A17.1-2013 by rule.

### **B. 2016 Legislative Proposals (handout)**

Chief Comingore mentioned that at last meeting the council voted to present two items for legislative changes for the upcoming session. The recommendation to change the code that applies to elevator permits so that all components of the building would be under the same code was accepted, but it is not moving forward at this time. If Chapter 399 is opened up, the department will look at trying to get this language added into that bill as an amendment.

Vice Chair Newton, said we need to change this to the building permit (tie it to building permit), because it can take months to build building.

Chief Comingore said to implement this we would add a field to the application for permit to capture the building code.

Vice Chair Newton recommends changing (4)(a) also to allow applying for the permit at same time as building permit, align serial number to date.

Jerry Wooldridge stated FBC requires work on permit to remain active.

Jerry Wooldridge and Vice Chair Newton will research what the FBC vs. Elevator code state on permit expirations/length valid

Chief Comingore reported that the proposal to change the stretcher size for elevators did not pass so size remains 24" X 76".

### **C. Alterations and Permits, Replacement Rule 61C-5.008, F.A.C.**

Chair Antona read existing definition of replacement to everyone and read draft proposed rule language.

Chief Comingore said it was trying to capture the language of the building code.

Vice Chair Newton discussed modification permit costs more then the part you use and pulling permits for replacement parts or updated parts that do the same thing the previous part did, but

because it does it differently it is a modification per-se, but for it you need a modification permit which can cost more than the part and interpreting modifications the difference in the part from a modification or just changing out part for part.

Chief Comingore said it is a case-by-case basis, but what is put in rule is what the contracted jurisdictions are supposed to follow. How everyone interprets them, we cannot control that, and she noted that everyone in the meeting might interpret it differently and she cannot create a rule that covers every specific instance or item. The draft language is trying to align building code requirement with the rule.

Vice Chair Newton said we need to have a Florida Code and Florida interpretation and then we have one place to go and get the interpretation like something that states what we do not need permits for.

Tim Mowrey said that would be tough because there are so many thousands of parts.

Vice Chair Newton said no only the common ones, phones, door edges etc. He stated that on some the parts are the same, but a little better like buying better tires for your car they do the same thing mostly, but are better or updated.

Chief Comingore said if it operates in the same manner and does not require making another change, and all you have to do is pull that out and put it back in, she sees that as not changing anything.

Tim Mowrey said state is trying to define a like for like replacement.

Vice Chair Newton said if we took out the functionally part.

Lee Rigby said Tim is correct about functionally part.

Chair Antona said he does not disagree with the way it is written now as if you add functionally you should pull a permit.

Vice Chair Newton said we already have this in code, but we added functionality thing and that is the issue, which changes what is in our code book. He presented a situation that he considered a replacement, but was issued a citation for needing a permit for an alteration.

Chief Comingore said if citation is issued ask for a hearing to discuss.

#### **D. Fall Protection**

Chief Comingore discussed whether or not escalators had to have the additional guard rails with State Fire Marshal to find out where they stood on issue. The State Fire Marshal said they do believe it is required of escalators, but it is more of a fire code authority issue. Building authorities can require them if they want, but it will not be an elevator violation.

Jerry Wooldridge says that is interesting from Fire Marshal as it is in his code but they are not enforcing it.

Vice Chair Newton and Jerry Wooldridge discussed escalators used as means of egress.

Jerry Wooldridge says this is in NFPA adopted in January 2015.

## **VI. New Business**

### **E. Florida Building Code, Chapter 30-2014, FBC updates**

Chief Comingore advised council of changes related to occupant evacuation elevators.

### **F. Fire Service Access Elevators.**

Chief Comingore reported that HB 915 (2015) has been reintroduced in 2016 as HB 535 and SB 704.

BREAK – 10:33 am to 10:57 am

### **G. Sump Pump rule**

Chief Comingore requested council input on draft on sump pump alarm rule.

Tim Mowrey stated these are installed by others.

Vice Chair Newton said alarm panel should be located somewhere related to elevator. Why take it out of elevator area, if in pit or machine room they will call elevator guy. Not an elevator device, but it tells you something is wrong with elevator. Not designed for public space; should be in a restricted space-the panel is designed to detect elevator issues. Discussed key and who should have access to the key.

Chair Antona asked if we should change the wording. Chair Antona discussed wording to be used- A sump pump with an alarm system approved by the plumbing authority having jurisdiction may be installed in the elevator pit.

Vice Chair Newston said the wording can read “A sump pump alarm where required, can be installed in the pit, hoistway or machine room. He suggested the alarm system controls can be installed in the pit, hoistway, machine space or machine room.

Chair Antona said he thinks it should say something like subject to the approval by the elevator contractor.

Vice Chair Newton disagreed, stating then every contract will have his own opinion, wants to be specific where it can be located and leave it at that it is not restricted to those locations it just says it is allowed in those locations.

Tim Mowrey agreed, but says to use shall be installed, because then it cannot be put say in a 3<sup>rd</sup> floor apartment.

Chief Comingore advised that "shall be" could be an issue, as it is not elevator equipment, but is under the plumbing code.

Council agreed the new wording is "Where required, can be installed in the pit, hoistway, machine space or machine room".

## **H. Oil lines re: Broward County**

Tim Mowrey stated he had sent an inquiry to Chief Comingore and Doug Melvin noting that on every job William Redmond of Broward County inspects on their equipment he says he does not like the oil line fittings; he does not think they meet code. Tim Mowrey said they submitted all the criteria on oil line fitting to the State of Florida probably 15 years ago, also to Broward County and Dade County. There is nothing wrong with the fittings; the problem is William Redmond who discusses this in front of the contractor in a very negative manner. Tim Mowrey wants to know who to get with to complain about William Redmond to the authority? Tim Mowrey said he asked Doug Melvin and Doug told him to call the building commission in Broward County; however, he has sent 3 emails to William Redmond and his son has called the Broward County Commission 3 times and they have not received any response from either of their requests. Tim Mowrey asked doesn't the State have a contract with them.

Chief Comingore advised she will go over the contract and get back with Tim and contact William Redmond on this issue.

Vice Chair Newton agreed with Tim Mowrey that you cannot get anyone to call you back.

Chief Comingore stated she will talk to William Redmond.

## **I. Proposed FBC Mods**

### **i. Hoistway venting for observation elevators**

Chair Antona asked where wording came from?

Mike Chavez stated he had drafted the language and he took it from car ventilation language in A17.1. He thinks it should be performance-based, rather than prescriptive and he thinks it should read "Ventilation shall be provided to ensure that the temperature in the hoistway will not exceed more than two degrees than ambient and it is their choice how they do it. Whether it is forced ventilation or air conditioning, etc or depending on how they want to do it. Mr. Chavez also mentioned MRL elevators that are 2 stop and have no hoistway ventilation and machinery is located in the shaft and they get around this by enforcing the requirement in the elevator code that states that proper machine room ventilation shall be provided but if mentioned in the FBC then architects would know that proper ventilation in that type of equipment should be provided as well.

Chair Antona asked Jerry Wooldridge if the FBC has anything on this issue? Jerry Wooldridge said just the smoke and hot gas.

Chair Antona said the architect just puts glass in and does not know that we have special requirements for observation elevators. He thinks we need to put this in 3 or 4.

Jerry Wooldridge agreed with him that it makes sense.

Vice Chair Newton stated that temperatures can exceed 104 degrees.

Tim Mowrey thinks it depends on type of building.

Vice Chair Newton says they have no operational impact that he knows of, but they understand the human element and when the temperature gets up above 104, 105 or 106 degrees it is not a healthy work environment also mentioned OSHA on work space environment and this is more of a human element more than an equipment element.

Chair Antona said Jerry Wooldridge suggested this be put in FBC, but the wording needs changed.

Mr. Chavez to rewrite and will send updated draft to Michelle Comingore next week.

## **ii. Escalator Guards**

Discussed the measurements and where you need guards.

Mike Chavez to rewrite and add escalators and moving walks and resubmit to Michelle Comingore.

## **iii. ASME A17.1-2013 Adoption**

Chair Antona read the proposal from Member Snyder.

The council discussed Member Snyder's written request to consider the Bureau initiate the process of having the building commission to adopt the most current A17.1 code.

Chair Antona said he does not disagree. The current effective code, A17.1- 2013, has all of the elevator code requirements for the installation of occupant evacuation elevators (OEO), in addition to the much detailed MCP requirements, which now integrates all of the onsite documentation. We should be planning to adopt 2016 code when it is published (however it was noted by several members that we cannot see 2016).

Chair Antona asked all members at table if they agreed and they all agreed

Chair Antona asked Chief Comingore what we need to do?

Chief Comingore says we have to put in a proposal for a change to the FBC.

Council agreed to propose adding ASME A17.1-2013 to the Florida Building Code.

## **J. General Discussion**

### **i. Open Forum**

Tim Mowrey requested to discuss Schindler controller TXR5 SIM card being removed from units when a new company took over service; he has had several inquiries. Tim Mowrey said that Tim Newton said this morning you do not have to have the SIM card. Schindler pulled SIM cards out and if power goes out you can lose data control.

Tim Newton stated he cannot comment as there is a lawsuit in progress.

Tim Mowrey says he has reports that it is not locked in for good. He thinks that the SIM card is part of the equipment when they sell the equipment.

Chair Antona said so in other words if you take a contract over from Schindler they take the SIM cards out?

Tim Mowrey said yes.

Vice Chair Tim Newton stated there is a lawsuit, so he cannot respond to questions. He said he does not know the facts, so he cannot speak on it.

Charles Waters stated years ago there were issues with prints and wasn't it agreed that they belonged to the owners and it was agreed on years ago they owners should receive the prints.

Chair John Antona does not think the elevator company should take anything away.

Chief Comingore said that this may be a contract issue and we cannot get involved in that.

Chair Antona said it should have been known ahead of time.

### **ii. Industry Update**

Charles Waters stated he is resigning from the council and gave Chief Comingore a resume for a suggested replacement.

Chief Comingore advised Member Waters that a written resignation may be required and would let him know, if so.

Chair Antona discussed attendance policy and suggested that if someone is absent more than 2 or 3 times maybe they should be replaced.

Chief Comingore will check and see what options are to replace someone.

Chief Comingore asked everyone to verify email addresses.

### **iii. Agenda items and assignments for next meeting**

Chair Antona recapped the assignments:

- Jerry Wooldridge and Vice Chair Newton to work together on FBC and other code requirements for permit expirations.
- Mike Chavez to rewrite hoistway venting in observation elevators and escalator guards and send draft to Chief Comingore
- Chief Comingore to contact William Redmond and discuss issues Tim Mowrey mentioned.
- Chief Comingore to check and see what options are to replace ESTAC member.
- Tim Mowrey to send Vice Chair Newton and Chief Comingore info on SIM cards.

### **VI. Next Meeting Date**

Chief Comingore to send out email with May date for meeting to be held in Tallahassee, FL

### **VII. Closing Remarks and Adjourn**

Meeting adjourned at 12:05 pm.