

Elevator UPdate

April 2017

Volume 2, Number 4

In This Issue

- Submitting Complaints
- NOMI Responses
- Navigating the Inspection Report
- Hot Topic Q&A - Citations
- Permit Payments
- Existing Elevator Code
- I Am Here to Help
- Upcoming Meetings & Important Dates

License Information

Elevator Permits

Elevator Licenses

Professional Licenses

Laws, Rules & Codes

Florida Statutes

Florida Administrative Code

Florida Building Code

Department's Online Services

Apply for a License
Web portal to apply for a new license or permit.

Maintain Your License
Online account to maintain or renew your license.

Customer Contact Center
Submit an email correspondence.

All issues of Elevator UPdate can be viewed our [Elevator News](#) webpage.

Preserve Your Rights - Respond

Have you ever received a speeding ticket? I have – twice. Both times I got nabbed right when I crossed over into a reduced speed zone. I then had the choice to accept the ticket and pay the fine or to exercise my right to due process and dispute the speeding ticket, go to court, argue my case, and maybe win (or maybe lose and pay court costs on top of the fine).

One of the great things about the United States justice system is that it provides us the choice to dispute allegations through due process. Florida's administrative system that applies to our licensees also provides due process, including the right to respond to allegations filed against you and have your day in court through the administrative hearing process.

But, you must follow the rules set out in Florida law or you may just lose the right to "go to court." Just like failing to appear in court results in a guilty verdict, failing to respond to a citation or administrative complaint means you waive your right to a hearing and a default final order is filed and fines assessed. Once a final order is filed, you owe the fine – even if you think you don't deserve it.

So, make sure to exercise your right and respond to citations and administrative complaints in a timely manner. With my speeding tickets, I exercised my right to choose. And, I learned to always slow down to the posted speed limit before crossing that imaginary reduced speed line.

Sincerely,

Michelle Comíngore, MPA
Chief, Bureau of Elevator Safety

Submit Your Complaint Online for Ease, Privacy

Submitting complaints about your elevator, elevator company, or elevator personnel is easy and convenient! The department accepts complaints in writing and by phone, but the easiest method is to use the [complaint form](#) on our website. When submitting a complaint, make sure to include as much information as possible about the elevator, company or person, including any license numbers available and the address of the building containing the elevator.

The complaint form allows you to remain anonymous. However, not all methods of contact will accept anonymous complaints. Submitting a complaint through the Contact Us link for the Customer Contact Center requires your name and email address. Additionally, emails sent to the division are public record and the division cannot redact names and email addresses. In order to submit a complaint without providing your name, use the [complaint form](#).

Please keep in mind that the division does not have authority over the terms of contracts or laws requiring elevators for accessibility under the Americans with Disability Act. We cannot, and do not, force an elevator owner to place a non-functioning elevator back into service for inspection or general use.

Inspector to Respond in Writing to Notice of Monitoring Inspection

The division performs oversight inspections of elevators that have been inspected by certified elevator inspectors (CEI) for the purpose of monitoring the work performed by these licensees. Upon completing our inspection, we mail a Notice of Monitoring Inspection to notify the CEI of our inspection and the results. When the division finds discrepancies between its inspection and the CEI's inspection, the CEI is required to submit a written response explaining the inspection procedures and applications used to prepare the inspection report within 21 days.

The division also performs monitoring inspections of two-stop exempt elevators to ensure the elevators are being maintained according to code, as required for the statutory exemption in Chapter 399, Florida Statutes. A Notice of Monitoring Inspection is then sent to the registered elevator company (REC), which also requires a written response from the REC.

Most inspectors are responding to these requests with an acceptable written response. However, some CEIs are submitting inspection reports instead of a written response. The division does not accept an inspection report as a written response. Additionally, statute places the requirement to respond on the CEI, so the division requires the response to be submitted by the CEI.

WHAT THE LAW SAYS:

Section 399.061, Florida Statutes

(5) A certified elevator inspector or registered elevator company shall, upon the written request of the department, provide a written response that explains the inspection procedures and applications used to prepare an inspection report that was found by the department to contain errors or omissions of code violations or tests.

Navigating the Inspection Report - Supervisor of Construction

The following information is a brief overview only. For detailed information on inspection reports, please see the [Step by Step Instructions for Completing the Elevator Inspection Report](#) posted on our website.

The supervisor of construction box is a small box in the middle right side of the inspection report. Despite its small stature and nondescript appearance, it is a very important part of the licensing requirement for new installations. Inspectors must take care to ensure this section is completed when performing an initial acceptance inspection.

The supervisor of construction section is located just under the building information and serial number and just above the violation code boxes for Violation 6 through Violation 9.

This attestation that the installation was supervised must be completed for initial inspections (see the October 2016 issue for a discussion on inspection types). The elevator company supervisor for the installation must sign this section for initial inspections or it will be returned as incomplete. Installation must be complete with all tests completed successfully, metal tags affixed, all alarms connected and functioning, and no further work needed.

Hot Topic Q&A - Responding to a Disciplinary Citation

Q. What do I need to do to respond to a disciplinary citation for unlicensed activity?

A. The first thing you should do is read the second page of the citation, which provides detailed information on your rights and responsibilities. Once you understand your legal options, you must select one of the three options under the Election of Rights section at the bottom of the citation form.

In order to preserve your legal rights, you must complete the Election of Rights and return a copy of the completed citation to the department within thirty (30) days after the date you are served the citation. If the division does not receive your Election of Rights within thirty (30) days after the date of service, it will be considered a waiver of your right to elect any form of hearing and the citation will automatically become a Final Order imposing a fine.

Fines are due upon receipt of an invoice for payment. Renewing a license does not get rid of fines owed for a final order or automatically dismiss a citation.



Permit Applications Might be Delayed When Elevator Fines Owed

Registered elevator companies (REC) applying for permits to alter may encounter a delay in processing due to administrative fines owed by the elevator owner. The division is working to remedy this situation and a solution is forthcoming. In the meantime, the division recommends RECs utilize one of two options: 1) ensure the fine is paid or 2) contact the division for assistance.

For option 2, please contact us by email at ahr.elevators@myfloridalicense.com or by phone at 850.487.1395, ext. 110, to request the fine be temporarily removed from the elevator license account to allow a permit fee payment. The application must be processed and ready for the fee payment when you contact us. If you email us, please include the elevator license number and your name and phone number, so that we can notify you when the permit fee can be paid.



Unlicensed Activity is Costly – Check Your Status Today!

Is your elevator license current? If not, you are subject to a citation and fines up to \$1,000 per occurrence.

Don't risk getting caught without a valid license. Find out if your license is current on our website at www.MyFloridaLicense.com. Contact us if you have questions about obtaining a current license.



Existing Elevators and ASME A17.3 Existing Elevator Safety Code

On March 1, 2002, the division adopted ASME A17.3-1996, Safety Code for Existing Elevators and Escalators. Upon its adoption, that code became the base safety code for all existing elevators and escalators. The safety code requirements in A17.3-1996 supersede older code requirements and are the minimum to which an elevator should be maintained and inspected. Any safety code requirement not covered under A17.3-1996 would default to the original installation code or the alteration code, as applicable. If an elevator has been altered to comply with a newer code than A17.3-1996, then the newer code becomes the base code for the part(s) altered.

Installation and alteration codes should be listed on the code data plates installed per the ASME codes. If code data plates are not provided or completed according to code, the inspector should cite a violation.

Elevator License Number Required on Accident Reports



Be sure to include the elevator license number on the accident report. Without the license number, we cannot enter the information into our database.

An incomplete accident report will be returned for correction.

I am Here to Help!

This recurring article will help you get to know the division's staff. Each issue features a member of the division's staff that works to support you, our customers. This month, we are featuring Tosha Jones, with the Bureau of Elevator Safety.



Name: Tosha Jones

Job Title: Administrative Assistant III

What I do for you: First and foremost I provide customer service to you! I process complaints, variance requests, and continuing education applications.

About me: I grew up in South Florida, and have lived in Tallahassee for about 10 years. I love sports and being outdoors (when it is warm!).

Upcoming Meetings & Important Dates

April 2017

1 – Four months left to obtain passing inspection for 2017 certificate of operation renewals (*No Fooling!*)

May 2017

1 – Certificate of operation license renewals open
29 – Memorial Day (*Division offices closed*)

June 2017

13 – Elevator Safety Technical Advisory Council (*check division website for details*)

July 2017

1 – One month left to renew certificate of operation
4 – Independence Day (*Division offices closed*)



Questions? Contact Us

Email: dhr.elevators@myfloridalicense.com

Internet:

www.myfloridalicense.com/contactus

Phone: (850) 487.1395, ext-110

Mail: 2601 Blair Stone Road
Tallahassee, FL 32399