

# **Technical Advisory**

## **FAQs concerning Florida's Elevator Industry**

Issue 2008-02

**BUREAU OF ELEVATOR SAFETY**

September 24, 2008

**This advisory is provided in response to inquiries, and is not intended as legal advice. While care has been taken to ensure its accuracy, in the event of any conflict the actual statute, code or administrative rule will prevail.**

### **Required by Florida Statute 399**

The purpose of chapter 399, F.S., is to provide for and to promote public safety awareness. The Bureau of Elevator Safety (Bureau) is acting to carry out the provisions of this chapter to avoid exposing employees and the public to unsafe conditions. The Bureau has the authority to suspend or revoke a license, and impose fines and penalties up to \$1,000 for non-compliance.

### **Temporary Permits and Certificates**

The Bureau schedules compliance visits to verify the status of 30-day temporary operating permits and 60-day temporary elevator certificates. Any registered elevator company or certified elevator inspector who issues a temporary operating permit and does not turn in the necessary inspection paperwork in order for a certificate of operation to be issued is violating the law.

### **No Work to Commence before Alteration or Installation Permits are Issued**

Bureau inspectors periodically conduct compliance visits to verify permit status at registered elevator company job sites. Firms that perform work prior to the issuance of Alteration or Installation Permits will be subject to fines and penalties under chapter 399, F.S.

### **Scope of Work letter required for each issued Alteration Permit**

A Scope of Work letter that includes a list of alteration work to be performed must accompany the application. Incomplete applications will not be processed. Completing additional work after the alteration is accepted is a violation of chapter 399, F.S., and 61C-5, F.A.C.

### **Owner to submit Accident Report**

The Bureau will continue to issue final orders and fines to owners who do not forward a completed Elevator Owner Accident Report within 5 working days of any accident that occurs in or upon an elevator or vertical conveyance. Please advise your customers.

Additional information regarding inspections, licensing and a number of forms is available on our website at [www.MyFloridaLicense.com/dbpr/hr](http://www.MyFloridaLicense.com/dbpr/hr) or by calling 850.487.1395.

### **Direct Supervision and Certificate of Competency (CC) cardholder**

The Bureau enforces sections 399.01(16), F.S., and 61C-5.008(7), F.A.C., by conducting unannounced compliance visits to review permits and verify the work is performed and supervised by a valid CC cardholder.

### **Periodic Inspections and Witnessing of Tests**

Work conducted or tests performed on an elevator must be inspected or witnessed by a certified elevator inspector. A CC cardholder cannot perform the work or test and then inspect and approve their work or test acting as a CEI cardholder. The contracted service maintenance provider must be present to perform tests.

### **Elevator Inspection Reports**

The Bureau reminds certified elevator inspectors to forward the Elevator Inspection Report to the Bureau within 5 days of the inspection and to schedule a 30-day callback to clear violations, unless a Plan of Corrective Action is filed with an extended and approved date of completion that temporarily waives the requirement.

By law, the owner must receive a copy of each Elevator Inspection Report. *Failure by a certified elevator inspector to provide the department and the certificate of operation holder with a copy of the inspection report within 5 days after the date of any inspection performed will result in administrative action*[s. 399.049(1)(c), F.S.].

As a reminder, the law (F.S.) states in section 399.105, Administrative fines.-- Any person who fails to comply with the reporting requirements of this chapter, performs work without a permit, operates without a certificate, violates an order to correct or notice to discontinue use is subject to an administrative fine not greater than \$1,000 in addition to any other penalty provided by law. It also states in section 399.10 Enforcement of law. --It shall be the duty of the department to enforce the provisions of this chapter.

See Elevators web site for additional bureau information <http://www.myflorida.com/dbpr/hr/elevators.html>